

Appeal Decision

Site visit made on 10 January 2017

by R W Allen B.Sc PGDip MRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 30 January 2017

Appeal Ref: APP/C4615/W/16/3159871

Land to the rear of 5 Holbeache Road, Wall Heath, West Midlands DY6 0HF

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mrs Whale against the decision of Dudley Metropolitan Borough Council.
 - The application Ref P16/0612, dated 29 April 2016, was refused by notice dated 31 August 2016.
 - The development proposed is erection of a dormer bungalow with access taken from Beachcroft Road, with associated drive and parking.
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Decision

1. The appeal is allowed and planning permission is granted for the erection of a dormer bungalow with access taken from Beachcroft Road, with associated drive and parking at 5 Holbeache Road, Wall Heath, West Midlands DY6 0HF in accordance with the terms of the application, Ref P16/0612, dated 29 April 2016, subject to the conditions set out in the Schedule of Conditions at the end of this decision.

Main Issues

2. The main issues are:
 - The effect of the proposed development on the character and appearance of the area; and
 - The effect of the proposed development on highway safety.

Reasons

Character and appearance

3. The appeal site is the rearmost part of the garden of No 5 Holbeache Road, which forms a frontage onto Beachcroft Road positioned between No 2 and No 2B Beachcroft Road; the latter is an elderly care home. Beachcroft Road itself largely comprises two-storey detached and semi-detached properties of varying design. No 2A Beachcroft Road and properties in Beachwood Avenue are bungalows.
 4. I acknowledge that the proposed chalet-bungalow would differ in its appearance from the neighbouring two-storey properties. However, it would largely conform in terms of its overall size, scale and positioning on its plot. Because of the absence of uniformity of property types and designs in the
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vicinity, I am satisfied that the proposed property would assimilate well within its surroundings and would not appear alien or incongruous in the street scene.

5. I therefore find that the proposed dwelling would not be significantly harmful to the area's character and appearance. The proposed development would accord with policy DD1 and the relevant parts of policy DD4 of the Dudley Unitary Development Plan (2005) (UDP). These state that all development including residential development will be required to apply the principles of good urban design by making a positive contribution to the character and appearance of the area and that the scale, nature and intensity of the use of the proposed development would be in keeping with the surrounding area.

Highway safety

6. The submitted drawings indicate that three parking spaces, excluding the garage space, would be provided on the plot. However, the layout as shown appears somewhat contrived, and I am not persuaded that it would allow vehicles to adequately manoeuvre on site if all spaces were in use, and it would more likely accommodate two spaces. As such, overspill onto the surrounding road network is probable. However, many of the neighbouring dwellings that I observed accommodated off-road parking, and the surrounding roads do not contain any on-street parking restrictions. At the time of my site visit, surrounding roads were not heavily parked; although I acknowledge that this was during the mid-morning period and that demand maybe higher at other times of the day. Nevertheless, little evidence is before me which suggests that any overspill from the proposed development, likely to amount to one vehicle, could not be adequately accommodated on the surrounding roads.
7. The vehicular access to the site would be taken from the point in which Beachcroft Road turns 90-degrees. Currently, no dropped kerb or footpath exists at this point; the footpath largely terminates immediately after it serves No 2 before becoming a grass verge as it turns the corner. The Council states that the absence of a footpath would prejudice pedestrian safety, but suggests the imposition of a planning condition to ensure one would be provided in the event of the appeal being allowed; I have no reason to disagree that such a condition would overcome the Council's concern. Despite being located adjacent to the 90-degree bend, I saw no obvious physical or visual obstructions at my site visit that would prevent or severely restrict the visibility of exiting vehicles from observing oncoming vehicle and pedestrian traffic.
8. I note that vehicular access to No 2 would be taken from within close proximity of the proposed access and dropped kerb. However, I am not persuaded that vehicular comings and goings for both properties would be particularly frequent or constant; and I am satisfied that sufficient visibility would exist between the two whereby vehicle to vehicle conflict would not likely occur.
9. I therefore find on the evidence before me that no significant harm to highway safety would occur from the proposed development. It would accord with the relevant parts of UDP policy DD4. This states that residential development will be allowed where there would be no detrimental effect upon highway safety and would result in adequate provision for the parking and manoeuvring of vehicles associated with the proposed development is made.

Other Matters

10. Concerns have been raised by surrounding occupiers as the effect of the proposed development on their living conditions, having specific regard to privacy. However, no first floor windows are proposed except for en-suite roof lights which would be fitted with obscured glazing, and I am satisfied that the planning conditions I have imposed to prevent additional first floor windows from being installed, which I discuss further below, would ensure overlooking would not occur. Insufficient evidence is before me to suggest that noise generated from the use of the proposed development would significantly increase levels over and above existing background noise levels to cause harm to the living conditions of the neighbouring elderly care home, and I have afforded such concerns with little weight in my decision.

Conditions and Conclusion

11. I have considered the conditions suggested by the Council against paragraph 206 of the Framework, and made changes necessary to comply with those requirements.
12. I have specified the approved plans for the avoidance of doubt and in the interests of proper planning. Conditions relating to materials, boundary treatments, and hard and soft landscaping (although I have imposed a more simplified version than the one the Council suggests) are necessary to ensure the appearance of the development would be satisfactory. However, I find it unreasonable for the approved boundary treatments to be retained for the life of the development, and I have removed that element of the condition. A condition requiring details of the access works to the site and its parking areas is necessary to ensure there would be no harmful disruption to the local highway network. While the requested condition for an electric charging point has not been specifically explained, I nevertheless find it is necessary in the interests of promoting and achieving sustainable development.
13. Because of the size of the plot and its proximity to surrounding properties, I am satisfied that a condition restricting permitted development rights to extend the property would be necessary to ensure the living conditions of the occupiers of neighbouring dwellings would not be prejudiced. However, where the Council only seeks to restrict Class A of Part 1 of Schedule 2 of the Town and Country Planning (General Permitted Development) Order 2015, I find Class B should also be restricted in the interests of privacy to neighbouring properties. Neither main party objects to this additional restriction. For similar reasons, conditions requiring restriction of side window additions and for the rear roof lights to be obscure glazed are also necessary.
14. I did not observe any redundant dropped kerbs at my site visit, none have been brought to my attention which would require repair, and no justification has been advanced by the Council as to how this would meet the tests of the Framework. I have accordingly not included this requested condition in my decision.
15. For the reasons given above I conclude that the appeal should be allowed.

R Allen

INSPECTOR

Schedule of Conditions

- 1) The development hereby permitted shall begin not later than three years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans: 313-01 Rev D and 313-02 Rev E.
- 3) No development shall take place until details of the materials to be used on the external surfaces of the building hereby approved shall be submitted to the Local Planning Authority for approval in writing. The development shall be carried out in accordance with the approved details.
- 4) No development shall take place until details of all hard and soft landscaping for the site have been submitted to the Local Planning Authority for approval in writing. The agreed scheme shall be implemented in accordance with the approved details before the end of the first planting season following initial occupation of the development.
- 5) No development shall take place until details of the boundary treatments around the site have been submitted to the Local Planning Authority for approval in writing. The development shall be carried out in accordance with the approved details prior to its first occupation.
- 6) No development shall take place until details of the access into the site including the provision of a dropped kerb, footway widening and resurfacing, and the parking and turning area within the site have been submitted to the Local Planning Authority for approval in writing. The development shall be carried out in accordance with the approved details and completed prior to the first occupation of the building. The parking and turning area shall not be used for any other purpose.
- 7) No development shall take place until details for the provision of external electric charging point(s) have been submitted the Local Planning Authority for approval in writing. The Electric Charging point(s) shall thereafter be provided in accordance with the approved details and installed prior to first occupation of the dwelling.
- 8) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking or re- enacting that order with or without modification) no development referred to in Schedule 2, Part 1 Classes A and B of that Order shall be carried out.
- 9) No openings shall be formed in the western elevation of the dwelling hereby approved without the prior written approval of the Local Planning Authority.
- 10) The rear elevation roof light windows serving en-suite bathrooms shall be fitted with obscure glazing and shall be maintained as such in perpetuity.