

Appeal Decision

Site visit made on 28 February 2017

by Andrew Owen BA(Hons) MA MRTPI

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

Decision date: 13 March 2017

Appeal Ref: APP/P1805/W/16/3161757

1 Plymouth Drive, Barnt Green, Birmingham B45 8JB

- 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 Mr David Courts against the decision of Bromsgrove District Council.
 - The application Ref 16/0412, dated 25 April 2016, was refused by notice dated 22 July 2016.
 - The development proposed is a dwelling and garage.
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Decision

1. The appeal is dismissed.

Preliminary matters

2. During the determination of this appeal, the Council advised that the Bromsgrove District Plan (BDP) had been adopted. Therefore Policies DS13, S7, S8 and BG4 of the Bromsgrove District Local Plan, referred to in their decision, had been superseded. The Council subsequently provided copies of the adopted versions of Policies BDP, BDP7 and BDP19 of the BDP which they consider are relevant to the appeal. The appellant has been provided with copies of these policies and has had the opportunity to comment on them.

Main Issues

3. The main issues are the effect of the proposal on the character and appearance of the area and the effect on the living conditions of the occupiers of the neighbouring property at No 1 Plymouth Drive with regard to their outlook and light.

Reasons

Character and appearance

4. The area is strongly characterised by substantial detached houses in large, spacious and verdant plots, with the small neighbouring dwelling at No 24 Plymouth Road being a rare exception. Indeed the dwelling at No 1 Plymouth Drive currently has a substantial garden which is well screened by trees and bushes along its boundaries with Plymouth Road and Plymouth Drive. The proposal would involve the provision of a large detached house and garage in the garden of this property and would necessitate the removal of some hedging to provide a vehicular access from Plymouth Road.
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5. No elevational drawings were submitted with the original application or the appeal. I am therefore unable to conclude that the proposal would maintain the character and appearance of the area.
6. However, notwithstanding this, from the evidence before me, the plot created for the proposed dwelling and that created for the retained dwelling would both be smaller than most of the other plots in the vicinity. From Plymouth Road this would not be particularly obvious as the width of the plot for the proposed house would be comparable to the others in the road. Moreover, the proposed dwelling would be set well back from the road, in keeping with the other houses in the street, and much of the vegetation on site, including a number of large protected trees on the frontage, would be retained. However from positions along Plymouth Drive, the small size of both resultant plots would be apparent and their contrast with the other larger plots locally would be stark.
7. Furthermore, the gap between the existing dwelling and the retained dwelling at No 1 would be smaller than most other corresponding gaps in the area. I acknowledge there is a small gap between the houses at Nos 26 and 26a Plymouth Road. However the house at No 26a has a large hipped roof at first floor level which helps to maintain a significant visual separation between the two dwellings. From the floor plans submitted with this appeal it appears that the proposed dwelling would be wholly two-storey and therefore there would be no comparable gap at this level. Accordingly it is likely that the close proximity of the proposed house to the existing house would result in the development appearing cramped when viewed from Plymouth Drive which would detract from the spaciousness of the area.
8. As such, from the evidence before me, I consider that the development would harm the character and appearance of the area. Notwithstanding this, in view of the lack of any elevational drawings, I could not conclude that the development would preserve the character and appearance of the area. Therefore the proposal would fail to accord with Policies BDP 7 and BDP19 of the BDP which both seek to ensure development maintains the local character of the area. It would also conflict with the advice in the Council's Residential Design Guide Supplementary Planning Guidance Note 1 (SPG1) and the guidance in the National Planning Policy Framework (the 'Framework') which both support development which takes account of the character of its area.

Living conditions

9. The plans indicate that all the windows in the south elevation of the dwelling at No 1 would either be removed, changed to high level windows or changed to be obscurely glazed, and some new windows would be provided on the front and rear elevations of this house. A two-storey extension to No 1 is also shown on the plans. The proposed alterations would result in all the rooms on this side of the dwelling being served by windows on the front or rear elevations of the house, with the exception of two en-suite bathrooms which would be served by two of the obscurely glazed windows.
10. As all the habitable rooms would be served by windows which would not face the proposed dwelling, I consider a satisfactory outlook from these rooms would be achieved and the rooms would receive acceptable amounts of light. Consequently I do not consider the living conditions of the occupiers of No 1 would be adversely affected. Therefore the proposal would accord with Policy BDP1 of the BDP which requires development to have regard to residential

amenity. It would also comply with the advice in the SPG1 and the Framework which both advise that new development must secure a good standard of amenity. However this does not outweigh the harm that the development would cause to the character and appearance of the area as set out above.

Conclusion

11. For the reasons given above, and taking account of all other considerations, I conclude that the appeal should be dismissed.

Andrew Owen

INSPECTOR