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## 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**

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**Appeal Ref: APP/P1805/W/16/3162619**

**Rear of 144 New Road, Bromsgrove B60 2LE**

- 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 N Copson against the decision of Bromsgrove District Council.
  - The application Ref 16/0616, dated 14 June 2016, was refused by notice dated 2 September 2016.
  - The development proposed is erection of two apartments.
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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 Therefore Policies DS13, S7 and S8 of the Bromsgrove District Local Plan, referred to in their decision, had been superseded. The Council subsequently provided copies of the adopted version of Policies BDP1, 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.
3. The appeal site, as indicated on the plans, includes Nos 144 and 146 New Road and the proposed apartments would be located at the rear of both these properties.

### Main Issues

4. The main issues are whether the development would provide acceptable living conditions for its future occupiers with respect to their outlook and amenity space, and the effect of the proposal on the character and appearance of the area.

### Reasons

#### *Living conditions - outlook*

5. The proposal comprises a two-storey building with an apartment on each floor. It would be located in the south-west corner of the site very close to the rear and side boundaries.
  6. At ground floor a high level window serving the kitchen area would be provided on the side elevation. There is currently a fence of around two metres in height along part of this side boundary and the proposed kitchen window would
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face it directly. Furthermore, above the fence, the large gable end elevation of No.1 Middlefield Road would appear very prominently from this window. Due to the close proximity of the fence to the window and the depth and height of the house at No 1, I consider the outlook from this kitchen window would be poor and the light received by it would be significantly restricted.

7. In addition, also at ground floor, a window would be provided on the east elevation, to serve the living room. This window would face the rear elevation of the house at No 146. Although not explicit in the appellant's submissions, I consider it likely that a form of enclosure would be provided to separate the apartments from the rear garden of No 146 to ensure privacy for both parties. However any means of enclosure would be close to this living room window and, if high enough to ensure privacy, would also be high enough to restrict the outlook from this window. When combined with the restricted outlook from the window serving the kitchen area, which is part of the same room, the outlook from this room as a whole would be limited. I consider this limited outlook would mean that the living conditions for the future occupiers of this apartment would not be acceptable.
8. If no means of enclosure was provided on the boundary with No 146 then I would consider that the development would fail to provide sufficient privacy for the occupiers of No 146 and the occupiers of the ground floor apartment due to the proximity of the living room window to the garden of No 146.

*Living conditions – amenity space*

9. The appellant's appeal statement states that the proposal would provide more amenity space than the previous scheme granted planning permission<sup>1</sup>. From the plans provided, it appears that the proposed development would provide a greater area of amenity space across the whole appeal site than the previous proposal. However it is not clear from the plans whether the area between the proposed apartments and the retained building at No 144 would be for the use of the occupiers of the apartments or the occupiers of No 144. The appellant's Planning Supporting Statement states that as a result of the proposal the existing dwellings at New Road would benefit from an improved rear amenity area. As such, from the evidence before me, it appears that this amenity space would serve the occupiers of No 144 and not the occupiers of the apartments. Consequently the future occupiers of the apartments would not have access to any outdoor recreational amenity space, and therefore the living conditions provided by the development would not be acceptable.
10. Even if this amenity area would be available to the occupiers of the apartments, my conclusions in respect of the outlook from the ground floor apartment remain.
11. In summary, I consider the proposal would fail to provide acceptable living conditions for its future occupiers. Therefore it would fail to accord with Policy BDP1 of the BDP which requires development to have regard to residential amenity. It would also conflict with the advice in the Council's Residential Design Guide Supplementary Planning Guidance Note 1 (SPG1) and the National Planning Policy Framework (the 'Framework') which both advise that new development must have a good standard of amenity.

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<sup>1</sup> Planning permission Ref 15/0786

12. I note the appellant's concerns that the previously approved development would have had a greater impact on the living conditions of neighbouring properties than the current proposal, and is less preferable to the current scheme in terms of its design and appearance. However, notwithstanding the fact that the previous scheme was considered acceptable by the Council, this would not justify allowing the appeal and granting planning permission for the proposal which, as set out above, I consider would fail to provide acceptable living conditions for its future occupiers.

*Character and appearance*

13. The site would front onto Middlefield Road. Middlefield Road west of the site is residential in nature but opposite, and to the east of the site, the buildings are in commercial use. The houses nearby display a range of forms including short terraces of small houses and larger semi-detached houses dating from both the early and mid-20<sup>th</sup> century periods. Furthermore one of the commercial buildings opposite has a significant width and height. As such the setting of the site has a varied appearance and a mixed residential and commercial character.
14. The proposed development would have the appearance of a house and would be of a scale and position broadly similar to the other dwellings in the street. Therefore, it would be compatible with the appearance of the street scene.
15. The apartments would be built close to the west and southern boundary of the site. However many other properties in the street are built up to their side boundaries, and the proposal's proximity to its rear boundary would not be particularly apparent in the street scene. Moreover the separation that would be provided by the open space between the proposed building and the retained building at No 144 would ensure the development does not appear cramped or contrived in the street scene.
16. The extant planning permission also relates to two apartments. As such the density of development at the appeal site would not be any different to that which has already been permitted. I have no reason to consider, contrary to the extant permission, that the density of two additional apartments on the appeal site is unacceptable.
17. As such the development would not harm the character or appearance of the area. Consequently the development would accord with Policies BDP7 and BDP19 of the BDP which both seek to ensure development maintains the local character of the area. It would also accord with the advice in SPG1 and the guidance in the Framework which both support development which takes account of the character of its area. However this does not outweigh the unsatisfactory living conditions that would be provided by the development as detailed above.

**Conclusion**

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

*Andrew Owen*

INSPECTOR