



Appeal Decision

Site visit made on 1 March 2017

by A J Mageean BA (Hons) BPI PhD MRTPI

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

Decision date: 30th March 2017

Appeal Ref: APP/P4605/W/16/3164665 66 Aldbourne Way, Birmingham B38 9UP

- 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 Francis Canning against the decision of Birmingham City Council.
 - The application Ref 2016/06383/PA, dated 21 July 2016, was refused by notice dated 27 September 2016.
 - The development proposed is construction of a one bedroom bungalow.
-

Decision

1. The appeal is dismissed.

Preliminary Matters

2. The Birmingham Development Plan (the BDP) was adopted on 10 January 2017, after the appeal was made. Both parties have been given the opportunity to comment on the relevance of Policy PG3 to their cases and I have had regard to this in the determination of the appeal.
3. Whilst the description of the proposal refers to a one bedroom bungalow, the Application Form at Section 17 indicates that this would be a two bedroom property. On this basis the Council have assessed the proposal as a two bedroom property, noting that the room labelled as a 'home study' on Plan No:005 would be of suitable size for use as a bedroom. However, accepting that the application form gives conflicting information, it is clear from the subsequent information provided by the appellant that the dwelling would be used as a one bedroom dwelling and my assessment is made on this basis.

Main Issues

4. The main issues are:
 - The effect of the proposal on the character and appearance of the area; and
 - Whether the proposal would provide acceptable living conditions for future occupants, with particular reference to the provision of private amenity space and outlook.
-

Reasons

Character and appearance

5. The appeal site is centrally located within a housing estate of mostly two storey terraced and semi-detached properties, with some bungalows. These properties have reasonably sized front and rear gardens. Whilst rear gardens are enclosed, most front gardens have low level fences or shrubs, or are open. The area also has generous grass verges and is interspersed with areas of green space with trees, which, along with the trees lining the footpath to the north, help to create a sense of verdant spaciousness.
6. The appeal site is part of an area of green space located to the rear of No 10 and 12 West Mill Croft and to the side of No 14 West Mill Croft, fronting on to the western side of the road. It backs onto the rear of No 66 Aldbourne Way.¹ The site is laid to grass and is bound by low level hedging to its north and eastern boundaries. Directly to the south within the adjoining grassed area are two semi-mature trees. As it is enclosed on three sides by existing houses this site is not as visible as other open spaces in this area and its function is simply to provide some visual relief between the short runs of terraced properties, rather than providing a seating area or containing a public footpath. Nonetheless its location on the outer bend of West Mill Close creates pleasant views when travelling west along West Mill Close.
7. The proposed bungalow would be located towards the rear of this plot, somewhat forward of the front building line of No 14 West Mill Croft. It would effectively 'close' the present green gap in the West Mill Croft frontage and would have a detrimental impact on both local views from the west and the sense of spaciousness in this part of the estate. Whilst I accept that as this would be a bungalow it would not be as tall as adjacent two storey properties, nonetheless the insertion of built form where there is presently green space would harm the character and appearance of the local street scene.
8. The application form states that the site would be enclosed by 1.8m timber fencing. This would effectively remove any green area from view, further exacerbating the harm identified above. Whilst I note that the Council have previously indicated that the construction of a fence around this site would not require planning permission, this would have been restricted to 1m in height fronting the highway. It would have had a far less significant impact on the character of this area than the present proposal.
9. I conclude that this proposal would have a damaging effect on the character and appearance of this area. In this respect it would conflict with the Birmingham Unitary Development Plan 2005 which at Policies 3.8, 3.10 and 3.14 seeks to protect and improve the built environment, requiring that development should have regard to its impact on the locality. It would also conflict with the BDP Policy PG3 which requires new development to reinforce the sense of place. There would also be conflict with the Places for All SPG 2001 and Places for Living SPG 2001, and The Future of Birmingham's Parks and Open Spaces SPD 2006, which support the creation of attractive streets and spaces.

Living conditions

10. Accepting that this would be a one bedroom bungalow, the stated garden area of 73m² would comply with the standard set down in the Places for Living SPG, which

¹ I understand that the appellant also owns this property.

states that for such dwellings 42m² of garden space would be required. I note the Councils concern that the bulk of this space would be to the front of this dwelling and therefore would not necessarily be *private*. However this area would front onto the highway on one side only, and would not be dissimilar to other private gardens in this area which are sited close to the public realm, for example the rear garden of No 12 West Mill Croft is side on to the highway.

11. The space to the rear of the dwelling would be narrow, with this land rising to the west where a high timber fence marks the western boundary. The only windows to the home study and bedroom would look out from this western elevation and would not only have a poor outlook but would also receive low levels of natural light. My view is therefore that this aspect of the proposal would be unacceptable.
12. The plans state that the internal living area would be 42m². Whilst I note that the Council have not adopted the National Technical Housing Standards (THS), this nonetheless provides a guide to the acceptable level of provision and is a material consideration. The THS indicate that the acceptable internal space standard for a single bedroom dwelling occupied by one person is 39 m² (or 37m² if it has a shower room instead of a bathroom), or 50m² if occupied by two people. I note that the dwelling would provide accommodation for a relative of the appellant, and so in this respect the proposal appears adequate.
13. On this matter I conclude that whilst it would provide acceptable living conditions for future occupants in terms of private amenity space, it would not provide an acceptable rear outlook. I have found significant harm in relation to the latter point, such that there would be conflict with the National Planning Policy Framework which seeks to ensure a good standard of amenity for all existing and future occupiers of land and buildings.

Other Matters

14. The appellant states that the appeal site was purchased from the Council for development purposes. However, no evidence to support the suggestion that this has at any time been regarded as a development site has been provided. I have noted above the current role of this land in contributing to the spatial qualities of this estate, and the detrimental effect that development would have.
15. I have some sympathy with the fact that the proposed bungalow would provide accommodation for a relative of the appellant, however such personal matters are not material to the determination of this case.

Conclusion

16. I have found that this proposal would be harmful to the character and appearance of the area and that it would not provide acceptable living conditions for future residents. As material considerations do not outweigh this harm when assessed against the development plan taken as a whole, I conclude that the appeal should fail.

AJ Mageean

INSPECTOR