
Appeal Decision

Site visit made on 8 May 2017

by H Baugh-Jones BA(Hons) DipLA MA CMLI

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

Decision date: 17th May 2017

Appeal Ref: APP/P1805/W/17/3167126

2 Thicknall Rise, Hagley, DY9 0LQ

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
 - The appeal is made by Mr Dabinder Sikham against the decision of Bromsgrove District Council.
 - The application Ref 16/0946, dated 5 October 2016, was refused by notice dated 22 November 2016.
 - The development is proposed 3 bedroom dwelling.
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Decision

1. The appeal is dismissed.

Application for costs

2. An application for costs was made by Mr J L Sullivan and Mr M Hyland against Mr Dabinder Sikham. This application is the subject of a separate Decision.

Procedural Matters

3. The application is in outline with all matters reserved and I have determined the appeal on this basis. However, given the shape and proportions of the site, there are clear limitations to how a dwelling might be positioned within it. Accordingly, whilst taking the plans to be indicative, I have had regard to the layout shown.
4. The Council has adopted the Bromsgrove District Plan (2017) (BDP) since it made its decision. Consequently, the policies from the Bromsgrove District Local Plan (2004) (LP) referred to in the decision notice have been replaced by new BDP policies. However, BDP Policies BDP7 and BDP19 are referred to as emerging policies within the Council's decision notice. I must make my decision on the basis of the development plan policies in force at the time that I do so and the appellant has had the opportunity to address their relevance to the appeal. I am therefore satisfied that his case is not prejudiced by my determination of the appeal in light of the new development plan policies.

Main Issue

5. The main issue in this appeal is the effect of the proposal on the character and appearance of the area including the Thicknall Rise and Newfield Road street scenes.
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Reasons

6. The appeal site comprises an open area of garden land at the side of the existing dwelling which occupies a prominent location on the corner of Thicknall Rise and Newfield Road. An existing single-storey garage would be demolished to facilitate the proposed development.
7. The area is of relatively low residential density with dwellings mostly being set back on their generous plots behind well vegetated frontages. This creates a spacious and verdant residential scene.
8. The existing dwelling forming no 2 Thicknall Rise is positioned such that its southern flank wall is set well back from Newfield Road and even with the presence of the existing garage at its side, this layout maintains the openness of the area around the junction of Thicknall Rise and Newfield Road that is characteristic of the area's overall spaciousness. The layout at no 2 also broadly mirrors the positioning of the dwelling on the opposite corner which creates a pleasing symmetry to the built form at the end of Thicknall Rise. This is replicated by the juxtaposition of other properties nearby.
9. The proposed dwelling would substantially fill the space at the side of the existing dwelling thereby bringing the built form at the end of Thicknall Rise much closer to Newfield Road. This would be at odds with the openness around the junction and the area's spacious character more generally. Furthermore, it would visually disrupt the symmetry that I have already mentioned.
10. The appellant refers to the building line to the east along Newfield Road and argues that the proposed dwelling would extend only a short distance beyond it. At my site visit, I observed that the forward-most projection of the neighbouring dwelling is formed by its single storey garage. However, the southern flank wall of the proposed dwelling would still breach it to a considerable degree. Moreover, I am not convinced that a building line formed by single-storey structures justifies permitting a building of substantially greater bulk and mass in comparison.
11. In addition, although the surrounding dwellings display some variation in style, they generally have wide front elevations. Whilst there are a number of dormer bungalows, the two-storey properties tend to have their first floor windows sitting directly below the eaves of their shallow pitched roofs. The resulting effect of these features is to give them a horizontal emphasis. In contrast, the constrained width of the site would result in a dwelling of much narrower but deeper proportions and it would therefore appear at odds with the character of the dwelling to which it would be juxtaposed and with its surroundings.
12. Taking all of this into account, the proposal would result in there being an overly dominant building in a prominent corner location thereby appearing as an incongruous and obtrusive feature in the Thicknall Rise and Newfield Road street scenes. It would also have a marked effect on the characteristic spaciousness of the area and have an unacceptable relationship to its immediate neighbour. Thus, it would run counter to BDP Policy BDP7, which whilst it requires development to make efficient use of land, clearly says that character and local distinctiveness must also be maintained. In saying this, the policy refers to Policy BDP19 that broadly requires development to be of a high quality design. Amongst other things, Policy BDP19 seeks to resist development on garden land that does not integrate into the residential area

and is not in keeping with the character and quality of the local environment. The proposal also therefore conflicts with this policy.

13. In its decision notice, the Council refers to Supplementary Planning Guidance Note 1 Residential Design Guide (2004) (SPG). However, the document is now of some age and is somewhat prescriptive. It is based on PPG3 and references the policies of the now replaced 2004 LP. For these reasons, I find it to be out of step with the National Planning Policy Framework (the Framework). However, its overall objectives support those of the BDP policies mentioned above and I therefore give it some, albeit moderate weight. Accordingly, the proposal also conflicts with the SPG.
14. I acknowledge that permission has been granted for a side extension to no 2 but given that I have not been provided with full details of this scheme, I cannot be certain that it would account for an equivalent mass of built form and thus that its effects would be akin to the proposal before me.
15. The appellant has referred to paragraph 14 of the Framework which sets out a presumption in favour of sustainable development and what this means for decision taking. However, I have found that the proposal conflicts with the policies of a very recently adopted development plan so Framework paragraph 14 is not engaged by way of that plan being absent, silent or containing relevant out-of-date policies. Notwithstanding this, Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires me to determine the appeal in accordance with development plan unless material considerations (including the Framework) indicate otherwise. Therefore, it is not appropriate to apply the Framework 'presumption' before I have considered the proposal against the adopted development plan.
16. Notwithstanding this, the clear identified harm to the character and appearance of the area means that the proposal would not meet the environmental dimension of sustainable development in any case.
17. I also note the appellant's other arguments in favour of the scheme. However, many of these do not arise from the reasons for refusal of the application or those cited by interested parties. In terms of additional landscaping, this could be introduced regardless of whether the development went ahead or not. This argument therefore carries very limited weight.

Conclusion

18. For the above reasons and having had regard to all other matters raised, the appeal does not succeed.

Hayden Baugh-Jones

Inspector