
Appeal Decision

Site visit made on 20 June 2017

by Siobhan Watson BA(Hons) MCD MRTPI

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

Decision date: 23 June 2017

Appeal Ref: APP/K3415/W/17/3169938
11 Scotch Orchard, Lichfield, WS13 6BZ

- 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 Nick Misselke (Elford Homes Ltd) against the decision of Lichfield District Council.
 - The application Ref 16/00928/FUL, dated 15 August 2016, was refused by notice dated 10 October 2016.
 - The development proposed is the erection of a two-bedroom detached house.
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Decision

1. The appeal is dismissed.

Main Issue

2. The main issue is the effect of the proposed dwelling upon the character and appearance of the area.

Reasons

3. Scotch Orchard is characterised by dwellings sited close together. However, the layout of the estate provides space and greenery by the inclusion of generous side gardens on the corner plots. These gardens are an attractive feature of the area and this feature would be eroded by the construction of the two-storey dwelling. Furthermore, as the dwelling would project beyond the established building line on Furnival Crescent it would be much closer to the road than the other houses on this street. The uncharacteristic siting would make the house prominent and intrusive within the street scene.
 4. The appellant has drawn my attention to No 13 Scotch Orchard but this house is not as close to the road as the proposed dwelling would be. I appreciate that there are a variety of different sizes and styles of dwellings in the area, but the harm would be as a result of the loss of the side garden rather than any other part of the design, and a house would have a far greater impact upon the appearance of the corner than the existing garden fence. The site is not in a conservation area but this does not mean that I should disregard the matter of visual amenity.
 5. The appellant has referred to other planning permissions relating to the wider area, including one at the corner of Benson Close and Scotch Orchard. However, none of these were the same as the appeal proposal. In any event, I am not bound by other Council decisions and they provide no justification for me to allow harmful development.
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6. For the above reasons, I conclude that the proposed dwelling would harm the character and appearance of the area. Consequently, the proposal would conflict with Core Policy 3 and Policy BE1 of the Lichfield District Local Plan Strategy, 2015 which, in combination, seek to protect the character and appearance of the area. It would also conflict with Chapter 7 of the National Planning Policy Framework which also seeks to promote good design and to reinforce local distinctiveness.

Other Matters

7. I note the appellant's comments that the site has good access to local services and public transport; that the proposed house would not be harmful to the living conditions of neighbours or future occupiers; that the construction of the dwelling would result in an economic gain; and that the house would add to the choice of homes in the area. However, these matters do not outweigh the environmental harm that I have identified and the appeal proposal does not, therefore, constitute sustainable development.

Conclusion

8. For the above reasons, I dismiss the appeal.

Siobhan Watson

INSPECTOR