
Appeal Decision

Site visit made on 27 June 2017

by M Aqbal BA (Hons) DipTP MRTPI

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

Decision date: 2nd August 2017

Appeal Ref: APP/C4615/W/17/3173317

Land to the rear of 69 Cotwall End Road, Sedgley DY3 3EJ

- 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 J Herbert against the decision of Dudley Metropolitan Borough Council.
 - The application Ref P16/1533, dated 25 October 2016, was refused by notice dated 19 January 2017.
 - The development proposed is described as 'Proposed detached bungalow'.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are the effect of the proposed development on the character of the surrounding area, and the living conditions of the occupiers of adjoining dwellings in respect of outlook and overlooking.

Reasons

Character of surrounding area

3. Formerly an orchard, the appeal site is overgrown and unkempt. Despite its description the site is predominantly located to the rear of 67 Cotwall End Road. With the exception of a small section to the front of the site, which abuts the access road and turning area to 69 and 71 Cotwall End Road, the site is bounded by the gardens of adjoining dwellings. Based on these characteristics the appeal site is 'backland' as defined in the Council's 'New Housing Development' Supplementary Planning Document (SPD).
4. The area surrounding the appeal site comprises post-war suburban semi-detached and detached dwellings located in generous plots with modest fore and rear gardens. Most have direct access and frontages onto the highway. The general back to back garden arrangement provides expanses of green infrastructure between dwellings, which is free from any significant built development and contributes towards the spacious and suburban character of the area.
5. In considering the character and quality of the area the Council has referred to a number of policies. The most relevant ones are Policies CSP4, HOU2 and ENV3 of the Black Country Core Strategy, Adopted February 2011 (BCCS) and

saved Policies DD1 and DD4 of the Dudley Borough Unitary Development Plan, October 2005 (UDP). Amongst other matters these policies seek new development to be informed by the context of the local area, securing high quality inclusive design, which support local distinctiveness and does not impact on the living conditions of neighbours. More specific design advice and guidance in respect of residential development is provided in the New Housing Development SPD.

6. The proposal would introduce a bungalow with a substantial footprint occupying approximately half the plot area, with a height of 5.5m to the ridge. Notwithstanding its slightly elevated position in relation to Cotwall End Road, the appeal site is largely concealed from public view. However, whilst that might mitigate any impact on the appearance of the area as such, I share the concerns of the Council and others in relation to its impact on the character and quality of the locality.
7. In introducing development into an area that is currently free of any significant built development, the proposal would erode the spacious and verdant character and quality of the area. Moreover, the orientation of the proposed dwelling, with the front elevation facing a side boundary, would appear contrived and would not reflect the established pattern of development here, where dwellings have a highway frontage. The development proposed would, therefore, clearly be inconsistent with the established pattern and grain of development in the locality and would appear as an incongruous form of backland development.
8. For the above reasons, I conclude that the proposed development would significantly harm the character of the surrounding area and therefore conflicts with Policies CSP4, HOU2 and ENV3 of the BCCS and saved Policies DD1 and DD4 of the UDP.

Living conditions

9. The proposed bungalow would be built close to the rear boundaries of existing gardens. In respect of 67 Cotwall End Road, the rear boundary comprises a well maintained hedge, which is approximately 3m in height. The separation distance between No 67 and the proposed dwelling would be approximately 14.75m, which just exceeds the Council's required minimum 14m separation distance. However, the appeal site is on a considerably higher level than No 67 and notwithstanding compliance with minimum spacing standards the proposed dwelling because of its close proximity to the boundary and height would be highly prominent and overbearing when viewed from No 67.
10. Other dwellings in Dickens Close and Longfellow Road also have rear boundaries, which are contiguous with the appeal site. However, the gardens to these dwellings are on average approximately 20m in length. Whilst the proposed development would be visible from these dwellings it would not harm the living conditions of the occupiers in respect of outlook because of the relative separation distances and in some instances intervening landscaping.
11. The western elevation of the proposed dwelling would have windows facing the rear boundary of 81 Longfellow Road. The proposed boundary treatment would be a 2m fence, close to the dwelling. Given the single storey design of the proposed dwelling, such a boundary treatment would be sufficient to restrict overlooking of the neighbour's garden, with no loss of privacy.

12. For the reasons set out above, I conclude that the proposed development would have an adverse effect on the living conditions in respect of outlook on the occupiers of 67 Cotwall End Road. The proposal would therefore conflict with Policy DD4 of the UDP, which amongst other matters seeks to safeguard the living conditions of neighbours.

Other Matters

13. The appellant has referred me to examples of other backland development in the Borough. Whilst there is limited information before me as to the background to those permissions, what information there is, as provided by the Council, indicates that the circumstances of those cases are different from the scheme before me in terms, for example, of the physical surroundings, the scale of development proposed, absence of harm in terms of the living conditions of adjoining occupiers, benefits in terms of community safety etc. I find nothing in those decisions therefore, to be directly comparable to the development before me, which I have considered on its own merits.
14. As noted earlier, the site is overgrown and has an unkempt appearance. I also understand that, in the past, builder's waste has been deposited there. However, nothing that I saw during the site visit leads me to believe that the appearance of the site is so detrimental to the character or quality of the area that it justifies the harm that would be a consequence of the development proposed.

Conclusion

15. For the reasons set out above, and having regard to all matters raised, the appeal is dismissed.

M Aqbal

INSPECTOR