



Appeal Decision

Site visit made on 16 July 2019

by M Russell BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 7th August 2019

Appeal Ref: APP/Q1825/W/19/3228067

129 Feckenham Road, Headless Cross, Redditch B97 5AG

- 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 Ian Carson against the decision of Redditch Borough Council.
 - The application Ref 18/01086/FUL, dated 21 August 2018, was refused by notice dated 17 December 2018.
 - The development proposed is detached dormer bungalow.
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Decision

1. The appeal is dismissed.

Procedural Matter

2. The appellant has submitted revised drawings with their final comments showing the width of the proposed dwelling to be reduced. Given the late stage at which these drawings have been provided and being mindful of the 'Wheatcroft Principles'¹, I consider that the alteration to the scale of the dwelling would be a fundamental change to the scheme and would deprive those who should have been consulted on the proposal from an opportunity to comment. I have therefore considered the appeal on the basis of the drawings that were before the Council when they determined the planning application.

Main Issue

3. The main issues are:
 - the effect of the proposal on the character and appearance of the area; and
 - the effect of the proposal on the living conditions of neighbouring occupiers with particular regard to privacy.

Reasons

Character and appearance

4. The appeal site relates to land currently within the residential curtilage of No 129 Feckenham Road, a dwelling which occupies a corner plot. The site is situated within a residential area consisting of a mix of single storey and two-storey, detached and semi-detached dwellings. Dwellings are generally well spaced with comparable garden depths. No 129 is a dormer bungalow

¹ Bernard Wheatcroft Ltd v SSE [JPL 1982 P37]

with a conservatory to the rear elevation. During my site visit, I noted a large detached garage with dormers serving the roof space was under construction at No 129. The existing dwelling neighbours a two-storey dwelling at No 131 Feckenham Road, and a bungalow with accommodation in the roof at No 75 Tennyson Road.

5. The dormer bungalow would sit on a similar building line to the dwelling at No 75. It would be positioned close to the garage being erected at No 129 on one side and close to the boundary with the neighbouring bungalow at No 75 Tennyson Road on the other side. The building would be on land situated at a slightly higher level to No 75 and the height of the development would be accentuated by the design of the roof which would incorporate half hips and would include dormers to the front elevation. Due to the height and width of the development, the reduction in the depth of the garden serving No 129 on a relatively prominent corner and its tight positioning between existing buildings, the dormer bungalow would appear cramped within the street scene and at odds with the general pattern of development in the area.
6. The Council's reason for refusal refers to conflict with the Redditch Borough Council Encouraging Good Design Supplementary Planning Guidance (2001) (SPG) and the delegated report refers to the spacing standards in Appendix C of this document, noting the proposal would just meet the minimum garden area requirements and would fall short of the requirements for a 1 metre separation distance between the plot boundary and the flank wall of the proposal. Any conflict with this guidance would be marginal, however, my concerns in respect of the particular constraints of the plot and overall relationship of the development with the street scene remain.
7. The appellant has drawn my attention to development on several nearby sites which they consider to be similar to the appeal proposal. I have considered the evidence before me and viewed the suggested sites during my site visit. However, I do not find the examples given are directly comparable to the design of the development and site-specific circumstances of the proposals before me.
8. To conclude, and for the reasons set out, the development would have a harmful effect on the character and appearance of the area. The proposal would therefore be contrary to Policies 1 (Presumption in Favour of Sustainable Development), 5 (Effective and Efficient Use of Land), 39 (Built Environment) and 40 (High Quality Design and Safer Communities) of the Borough of Redditch Local Plan No.4 (2017) (the Local Plan) which amongst other things seek to secure sustainable development, state that schemes for the development of private residential gardens will generally not be supported unless they can clearly demonstrate that there would be no detrimental impact on character, that all development should contribute positively to the local character of the area and that development will be expected to be of a high quality design that reflects or complements the local surroundings and be of an appropriate siting and layout.
9. In reaching this decision I have also given regard to the SPG which amongst other things seeks a high standard of design.
10. The proposal would also be contrary to Paragraph 122 of the National Planning Policy Framework (2019) (the Framework) which amongst other things refers

to the desirability of maintaining an area's prevailing character and setting (including residential gardens).

Living conditions

11. The development would incorporate three rooflight windows set in a relatively central position on the rear roof slope. These windows would serve a bedroom and en-suite. The cross section provided indicates that the position of these windows in the roof slope relative to the internal floor level would provide an opportunity for occupants to look out of these windows. Views into neighbouring gardens are not uncommon within a tightly knit residential area and the angle of the windows within the slope of the roof would also assist in reducing the potential for overlooking impacts. However, given the relatively limited depth of the rear garden that would serve the dwelling and the close proximity of these windows to neighbouring gardens at No 75 Tennyson Road, 131 Feckenham Road and the existing dwelling at No 129, there would be some impact on the privacy of neighbouring occupiers when compared with the existing situation.
12. I acknowledge the appellant's contention that there is the ability to landscape and screen the site. Even accounting for boundary treatments, I consider there would be some potential for overlooking, albeit the impact on the privacy of neighbouring occupiers would not be to a level that would warrant dismissal of the appeal on its own. However, the material harm that would result on neighbouring living conditions as a result of the close proximity of first floor windows to the rear gardens serving neighbouring dwellings compounds the harm identified above.
13. To conclude, the proposal would result in some limited effect on the living conditions of neighbouring occupiers with particular regard to privacy. This would be contrary to Policy 5 of the Local Plan which states that development of private residential gardens will generally not be supported unless amongst other things there would be no detrimental impact on current and future amenity.
14. The proposal would also conflict with Paragraph 127 of the Framework which amongst other things requires that development provides a high standard of amenity for existing and future users.
15. I have also given regard to the SPG which amongst other things seeks to achieve acceptable standards of amenity including privacy.

Planning Balance and Conclusion

16. The Council cannot currently demonstrate a five-year housing supply. The development plan cannot therefore be considered as being up to date. Paragraph 11d of the Framework and the presumption in favour of sustainable development is engaged and permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the policies of the Framework as a whole.
17. The appeal site is within the built-up area and represents a sustainable location for new housing development. The proposal would make a limited contribution to meeting the Council's housing requirements and would generate a minor economic benefit through the development of the site.

18. I note the supporting letter which sets out the personal circumstances of the extended family. Whilst I acknowledge the benefits that might result for the family in terms of being located nearby to each other, I have nothing before me to suggest that there is no alternative accommodation in the area or that the development as proposed is the only solution to meet their needs and I can therefore only attach limited weight to this matter.
19. Taking into account the above considerations, my conclusions with regards to the harmful effect of the proposal on the character and appearance of the area and neighbouring living conditions significantly and demonstrably outweighs the benefits of the proposals when assessed against the policies of the Framework as a whole.
20. For the above reasons the appeal is dismissed.

M Russell

INSPECTOR