



Appeal Decision

Site visit made on 12 August 2019 by G Sibley MPLAN MRTPI

Decision by A U Ghafoor BSc (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 29 August 2019

Appeal Ref: APP/C4615/W/19/3227055

1 Buckingham Grove, Kingswinford DY6 9ED

- 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 Jonathan Boxley of The Design Box against the decision of Dudley Metropolitan Borough Council.
 - The application Ref: P19/0120, dated 25 January 2019, was refused by notice dated 25 March 2019.
 - The development proposed is the erection of a detached 3-bedroom house with associated parking and garden areas.
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Decision

1. The appeal is dismissed.

Appeal Procedure

2. The site visit was undertaken by an Appeal Planning Officer whose recommendation is set out below and to which the Inspector has had regard before deciding the appeal.

Main Issue

3. The effect of the proposed development on the character and appearance of the street scene and area.

Reasons for the Recommendation

4. The site is located on the corner of Buckingham Grove with the ground rising towards the west. The trees and shrubs in the corner of the site are a prominent feature. When approaching from the south, the site is viewed within the context of the neighbouring properties, although views through it are limited, due to the trees and shrubs. There are several distinct styles of houses on the street but a common feature among them is that they are set back from the roadside on relatively large plots with landscaped front gardens. Cars are mainly parked set back from the roadside, due to the size of the gardens. Frontage parking is not an overly prominent feature within the street scene. These large front gardens combined with their landscaped setting contribute to the spacious and open quality of the locality and give reinforce the area's suburban character.
5. The new dwelling would be designed to mirror the group of dwellings that are on the junction with Summer Hill, which are of a contemporary design. Whilst it does not exactly match the design of these dwellings, it would share design features. Given the geometry of the road, the buildings do not follow a straight line. The proposed dwelling would share an access. Nonetheless, it would sit forward of nearby dwellings to the west. By sitting forward of these buildings, the dwelling would appear prominent in the street scene. The visual impact of the dwelling would be further exacerbated because of the rise in the ground level

to the west. In addition, the development would be more dominant in the street scene than the existing conifers. Whilst the dwelling would be set back from the roadside, the additional visual bulk set within a relatively narrow plot, compared to those on the street, would harm the appearance of the locality.

6. The conifers to the rear of the site provide a soft boarder and positively contribute to the character of the street scene. These would be retained as part of the scheme. As such this part of the development would have a neutral impact on the street scene to the west. Despite this, given the siting of the proposed dwelling, the removal of trees where it would be located has the potential to result in visual harm. The development would appear out-of-keeping with the spacious quality of the area due to the loss of attractive features that make a pleasant contribution to the suburban quality of the street scene.
7. The area with the trees and shrubs to the front of the site forms a visual transition between the road and the existing dwellings. The trees are not protected nevertheless they contribute to the character of the area. Whilst some of this landscaped area and tree cover would remain, the creation of an area where cars would be parked up against the roadside would harm the open appearance that the site and landscaped area makes.
8. The proposed development would provide an attractive dwelling in a sustainable location. Despite this, I find that the development would have a significant adverse visual effect upon the character and appearance of the street scene and area. Accordingly, the proposal would fail to comply with policies CSP4, ENV2, ENV3, HOU1 and HOU2 of the Black Country Core Strategy and Policy L1 and S6 of the Dudley Borough Development Strategy and the New Housing Development Supplementary Planning Document (2013).

Other Matters

9. The appellant has referred to several applications on corner plots for residential development that have been approved by the Council. These sites were not located on Buckingham Grove and as such the character of those areas may be different. The principle of developing a corner plot could be acceptable but each case must be assessed on their own merits. The Council granting planning permission elsewhere does not justify visually harmful development in this particular location and setting.
10. Whilst the appellant could potentially erect a 1.8m tall fence 2 m back from the footpath under permitted development rights, the impact the fence would have on the street scene would likely be less harmful than that created by the proposed development. The impact of this would not be sufficient to justify a new dwelling. As such I give the fallback position limited weight in the planning balance.

Conclusion and Recommendation

11. For the reasons given above and having had regard to all other matters raised, I recommend that the appeal should be dismissed.

G Sibley

APPEAL PLANNING OFFICER

Inspector's Decision

12. I have considered all the submitted evidence and the Appeal Planning Officer's report, and, on that basis, I too agree that the appeal should be dismissed.

A U Ghaffoor

INSPECTOR