



Appeal Decision

Site visit made on 25 September 2019

by Julie Dale Clark BA (Hons) DipTP MCD DMS MRTPI

an Inspector appointed by the Secretary of State

Decision date: 09 October 2019

Appeal Ref: APP/Z3445/W/19/3225748

Land to the rear of The Prince of Wales Inn, 70 Hockley Road, Wilnecote, Tamworth B77 5EE

- 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 Punch Partnerships (PML) Limited against the decision of Tamworth Borough Council.
 - The application Ref 0514/2018, dated 9 November 2018, was refused by notice dated 6 March 2019.
 - The development proposed is erection of two, two-storey detached dwellings and associated 1.8m high close boarded fencing together with tarmac parking area and associated landscaping.
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Decision

1. The appeal is allowed and planning permission is granted for the erection of two, two-storey detached dwellings and associated 1.8m high close boarded fencing together with tarmac parking area and associated landscaping at land to the rear of The Prince of Wales Inn, 70 Hockley Road, Wilnecote, Tamworth B77 5EE in accordance with the terms of the application, Ref 0514/2018, dated 9 November 2018, subject to the conditions set out in the attached Schedule.

Application for costs

2. An application for costs was made by Punch Partnerships (PML) Limited against Tamworth Borough Council. This application is the subject of a separate Decision.

Main Issue

3. I consider that the main issue is the effect of the proposed houses on the character and appearance of the area.

Reasons

4. The appeal site comprises an area of land to the rear of The Prince of Wales Public House (PH). It is within a mainly residential area with access from Hockley Road. The proposal is for two detached houses with rear gardens and parking areas in front of the houses. The houses would face the rear of the PH and be at right angles to 1 to 4 (consecutive) Eadies Cottages, to the north, and 72 to 80 (Evens) Hockley Road, to the south. A residential development at Peel Court is located to the west.

5. Local Plan Policy EN5¹ sets out criteria to achieve high quality buildings and places across Tamworth. It indicates that poor design or design that fails to take the opportunities available to improve the character and quality of an area and the way it functions will be refused. The National Planning Policy Framework² establishes that the creation of high quality buildings and places is fundamental to what the planning and development process should achieve.
6. Whilst the appeal site is to the rear of the PH, from the information submitted, there is no indication what, if any, function it served as part of the PH. No other particular role has been indicated. It currently comprises overgrown scrub and appears as a vacant area of land within the urban area.
7. The proposed houses would not have a road frontage as they would be sited behind the PH but I do not consider that this aspect of the proposal is particularly objectionable. The pattern of development in this immediate area comprises buildings fronting Hockley Road, including the PH but others, such as Eadies Cottages and Nos 72 to 80 Hockley Road, are at right angles to it. I do not therefore consider that the proposal would conflict with the existing pattern of development. The design of the proposed houses is fairly typical, albeit it uninspiring, of modern housing developments and as such is not particularly objectionable. Indeed, the existing appearance of the appeal site is at odds with the surrounding built form and adds little by way of a positive characteristic.
8. I note the concerns raised by local residents and the layout and functioning of Eadies Cottages, in particular, is unusual. However, I do not consider that the proposal would lead to harm sufficient to justify refusing permission. I therefore do not find that the proposal conflicts with Policy EN5 or the Framework and is therefore acceptable.

Conditions

9. The Council has suggested conditions which I have considered in the light of the Planning Practice Guidance³. In addition to the standard time limit condition, a condition requiring the development to be carried out in accordance with the submitted drawings is necessary, in the interests of proper planning and for the avoidance of doubt. The Council's list of suggested conditions includes various documents included in the application but for the purposes of a condition I intend to list the relevant drawings only.
10. A condition requiring the parking and turning areas to be provided is necessary and reasonable given the location of the houses. It is also necessary to secure details of boundary treatment as limited information has been supplied and appropriate details are required in the interests of the visual appearance of the development. A condition requiring details of finished floor levels is necessary as limited details have been submitted and there is a change in levels between the appeal site and surrounding land.
11. A condition requiring investigation and potential remediation of potential land contamination is reasonable given that no details have been submitted and the historical uses of the site have not been made clear although the Council's

¹ Tamworth Borough Council Local Plan 2006-2031 Adopted February 2016.

² Ministry of Housing, Communities & Local Government National Planning Policy Framework, July 2018.

³ Planning Practice Guidance, Published 6 March 2014 Last Updated 23 July 2019.

Environmental Health Officer states that the development appears to be above a former refuse tip and clay quarry.

12. A condition requiring a Construction Vehicle Management Plan is necessary and reasonable given the site's location and surrounding residential properties. The provision of a speed ramp is suggested which I consider is reasonable and necessary given the site's access and its potential use by pedestrians and motorised vehicles. A condition relating to surface water drainage of the parking and manoeuvring areas is reasonable in the interests of pedestrian and highway safety.
13. The Council suggest withdrawing permitted development rights for future extensions⁴ but I do not consider that the proposal warrants this restriction. A condition is therefore not necessary or reasonable. A condition is also suggested by the Council requiring sound insulation following the submission of a noise survey. However, there is no clear indication of a potential noise generating use, other than the usual activity associated with a PH, that I have been made aware of to justify such a condition. A condition is not therefore reasonable.
14. The Council has not suggested a condition requiring details of materials of construction but as only limited information has been given this is necessary in order to achieve a satisfactory appearance. I have included or omitted conditions as referred to above and altered some wording in accordance with the model conditions⁵ and in order to be precise.

Conclusion

15. I have considered all other matters raised but none alter my conclusion. I conclude that the proposal would not conflict with Local Plan Policy EN5 or the Framework. Subject to the conditions set out in the attached schedule, I consider that the proposal would not have a harmful effect on the character or appearance of the area. Therefore the appeal is allowed.

J D Clark

INSPECTOR

⁴ Town and Country Planning (General Permitted Development) (England) Order 2015, As Amended.

⁵ Model Conditions retained following the abolition of Circular 11/95 – The Use of Conditions in Planning Permissions.

Schedule of Conditions

- 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans:
 - Drawing Nos:-
 - 18.3087.105 Rev P4 – Location Plan / Block Plan
 - 18.3087.100 Rev P5 – Proposed Site Plan
 - 18.3087.101 Rev P2 – Proposed Floor Plan – Plot 1
 - 18.3087.103 Rev P1 – Proposed Floor Plan – Plot 2
 - 18.3086.102 Rev P2 – Proposed Elevations – Plot 1
 - 18.3086.104 Rev P2 – Proposed Elevations – Plot 2
 - 18.3086.106 Rev P2 – Proposed Site Sections
 - ENC/150818/1DD0 – Topographical Survey
- 3) No development shall commence until details to be used in the external surfaces of the development hereby approved shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.
- 4) No dwelling shall be occupied until the parking and service areas for that dwelling shall be provided. The parking and turning area shall thereafter be retained at all times for their designated purposes.
- 5) No development shall take place until the boundary treatment has been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.
- 6) No development shall commence until finished floor levels of the dwellings have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.
- 7) The development hereby permitted shall not begin until a scheme to deal with contamination of the site has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include an investigation and assessment to identify the extent of contamination and the measures to be taken to avoid risk to future occupiers and the environment when the site is developed. Development shall not begin until the measures approved in the scheme have been implemented.
- 8) Prior to commencement of development a Construction Vehicle Management Plan including details of the site compound, site hours, types of vehicles, provision for parking of vehicles for site operatives and visitors, loading and unloading of plant and materials, and storage of plant and materials used in construction the development has been submitted to and approved in writing by the Local Planning Authority. The

approved scheme shall thereafter be implemented prior to any works commencing on site.

- 9) The development hereby permitted shall not be brought into use until full details of a speed ramp shall be submitted to and approved in writing by the local planning authority. No dwelling shall be occupied until the speed ramp has been provided in accordance with the approved details.
- 10) Prior to the commencement of development details shall be submitted to and approved in writing by the Local Planning Authority indicating surface water drainage and outfall from the proposed parking and manoeuvring area. The surface water drainage shall thereafter be provided in accordance with the approved details prior to the first occupation of the development.