



Appeal Decision

Site visit made on 7 October 2019 by S Watson BA(Hons) MSc

Decision by R C Kirby BA(Hons) DipTP MRTPI

An Inspector appointed by the Secretary of State

Decision date: 12 November 2019

Appeal Ref: APP/P1805/W/19/3234455

Land Adjoining 171 Salwarpe Road, Salwarpe Road, Charford, Bromsgrove B60 3HT

- 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 Roger Hall against the decision of Bromsgrove District Council.
 - The application Ref 18/01036/FUL, dated 13 August 2018, was refused by notice dated 22 March 2019.
 - The development proposed is erection of 1 three-bed dwelling house – resubmission of 17/01430/FUL.
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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.

Procedural Matter

3. During the course of the appeal the Council's SPG1 referred to in its decision notice has been replaced by the *High Quality Design Supplementary Planning Document* (SPD). The SPD was submitted as part of the Council's case and the appellant has been given the opportunity to comment on the revised document.

Main Issues

4. The main issues in this case are the effect of the proposal on:
 - the character and appearance of the surrounding area, with regard to design and siting; and,
 - the living conditions of neighbouring occupiers, by way of outlook and light.

Reasons for the Recommendation

Character and Appearance

5. The appeal site is situated between Nos 169 and 171 Salwarpe Road, near the junction with Humphrey Avenue. Salwarpe Road is characterised by a pattern of long terraces and semi-detached properties set within spacious plots and set back from the highway by sizeable front gardens. The junction between Salwarpe Road and Humphrey Avenue is generally spacious due to the way properties are set back from the pavement.
6. The appeal site appears to be formed of what was previously the gardens of No 171 Salwarpe Road and No 61 Humphrey Avenue. A tall close-boarded fence has been erected to the front of the site, behind an existing hedge and to the south across part of the frontage of No 171.
7. The new dwelling would be sited forward of Nos 171 and 169, such that it would be closer to the highway than these properties and other nearby development along Salwarpe Road. As such, the new dwelling would be a prominent feature in the street scene, which, as a result of its detached form would be incongruous with the established pattern of development. Moreover, its front facing gable would compete with the gables of the end terraced properties in the road which would disrupt the largely uniform rhythm of the street scene along this side of Salwarpe Road.
8. I acknowledge that the character and appearance of a street may change over time, however I have considered the proposal on its merits and possible future changes, where there is no certainty of what they may be have not formed part of my consideration of this case.
9. The Council has raised concern about the density of the appeal proposal. I acknowledge that the appeal site would be smaller than nearby development, but I find that a single dwelling would not substantially change the density of the surrounding area, to a level that would be harmful to the character and appearance of the area.
10. For the above reasons, I find that the proposed dwelling would be an intrusive feature within the surrounding area. The proposal would therefore cause unacceptable harm to the character and appearance of the surrounding area, in conflict with Policy BDP19 of the BDP, paragraph 127 the *National Planning Policy Framework* (Framework) and the guidance contained within the SPD, which seek amongst other matters for development to positively contribute to the character and appearance of its environment.

Living Conditions

11. The proposal would result in a two-storey dwelling close to the north-east elevation of No 171 Salwarpe Road. Although the appeal site's land level would be reduced, the two-storey dwelling would result in a tall and imposing feature in close proximity to the side window and patio door of No 171. The new dwelling would appear as a dominant, prominent and intrusive feature which would be overbearing on the outlook from these windows, making the room that these windows serve less pleasant to use as a result. Moreover, the new dwelling would be likely to have a harmful effect upon the garden area to this property, which adjoins the appeal site, with it having an overbearing effect

upon the outdoor space, thereby making this area of garden less pleasant to use.

12. On the south-west elevation, facing the appeal site is a door and window to No 169 Salwarpe Road. The outlook from these areas is currently restricted to a degree by a tall fence along the party boundary with the appeal. However, the new dwelling would be significantly taller than the fence and would, by blocking any meaningful outlook, result in a sense of enclosure being created to this door and window and would as a result harm the quality of the rooms they serve. It is submitted that the rooms these features serve also have other windows. Whilst this may be the case, I find that this does not mitigate the harmful effects of the proposal.
13. From the information available to me, including the Daylight and Sunlight Study submitted as part of the appellant's case, it is likely that the new dwelling would have some impact on the light entering the window and door identified above. However, given the relationship between the properties and their orientation, any loss of light would be small and would be unlikely to affect the living conditions of the occupiers of this property to a harmful degree.
14. Given my findings, I conclude that the proposal would result in harm to the living conditions of the occupiers of Nos 169 and 171 Salwarpe Road, in terms of loss of outlook, in conflict with Policy BDP1 of the BDP, paragraph 127(f) of the Framework and the guidance contained within the SPD, which amongst other issues seek to protect the residential amenity of adjoining uses.

Other Matters

15. There is no dispute that the Council is unable to demonstrate a 5 year supply of deliverable housing sites. In such circumstances, the Framework makes it clear that policies relating to the provision of housing should be considered out-of-date. In this case however, the Council did not refuse the application against any spatial strategy policies, and indeed it is accepted that the principle of new housing development in this urban location is acceptable, a matter to which I concur.
16. Moreover, the policies that are most important for determining the application are broadly consistent with the Framework which at paragraph 127 states that planning decisions should, amongst other matters, ensure that developments add to the overall quality of the area, be sympathetic to local character, including the surrounding built environment and create places with a high standard of amenity for existing and future users. As such the tilted balance given by paragraph 11 of the Framework is not engaged in this case.
17. My attention has been drawn to a number of examples of developments in the locality, however, I do not have sufficient information before me to ascertain whether the circumstances of each are directly comparable to the current proposal, or to comment on the Council's consistency in decision making.
18. My attention has also been drawn to a number of schemes which have been allowed at appeal. Most of the examples given relate to development which is not directly comparable or is significantly larger in scale than the appeal proposal. The scheme at No 1 Ednall Lane, Bromsgrove¹ for a proposed new

¹ Ref APP/P1805/A/14/2226199

dwelling, because of its siting and design is not directly comparable to the proposal before me. This therefore limits the weight that I can give this matter. In any event, each proposal needs to be considered on its own merits and this is the approach that I have taken.

19. Although it has been suggested that the development would provide housing for local people, as there is no mechanism to control this, I can only give this matter very limited weight in my overall consideration.

Planning Balance and Conclusion

20. The proposal would make a contribution, albeit small to the Council's supply of housing in a sustainable location, at a time when it is unable to demonstrate a five-year supply of deliverable housing sites. There would be economic benefits associated with the proposal during the build phase, and also from the support the intended future occupiers would be likely to give to local services and facilities, which also amount to social benefits. However, because of the limited scale of the proposal such benefits would be limited.
21. Against these benefits is the substantial harm that would be caused to the character and appearance of the area and the living conditions of nearby occupiers, in conflict with the development plan. The harm of which outweighs the limited benefits identified. The proposal would not comprise sustainable development.
22. The Framework makes it clear that where a planning application conflicts with an up-to-date development plan, as is the case here, permission should not usually be granted unless there are material considerations which indicate otherwise. There are no material considerations of sufficient weight to override the conflict with the BDP policies identified or the Framework taken as a whole.
23. For the reasons given above and having regard to all other matters raised I recommend that the appeal should be dismissed

S Watson

APPEAL PLANNING OFFICER

Inspector's Decision

24. I have considered all the submitted evidence and the Appeal Planning Officer's report and concur that the appeal should be dismissed.

RC Kirby

INSPECTOR