



Appeal Decision

Site visit made on 19 November 2019

by J Gibson BUEP MPIA

an Inspector appointed by the Secretary of State

Decision date: 20 December 2019

Appeal Ref: APP/C4615/W/19/3233884

Land adjacent to 7 Calewood Road, Quarry Bank DY5 2NQ

- 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 Ms L Micklewright against the decision of Dudley Metropolitan Borough Council.
 - The application Ref P19/0065, dated 14 January 2019, was refused by notice dated 25 April 2019.
 - The development proposed is originally described as "proposed new dormer bungalow on vacant land adjacent to No. 7 Calewood Road".
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Decision

1. The appeal is allowed and planning permission is granted for a new dormer bungalow on land adjacent to 7 Calewood Road, Quarry Bank DY5 2NQ in accordance with the terms of the application, Ref P19/0065, dated 14 January 2019, subject to the conditions set out in the attached schedule.

Procedural Matter

2. I note that the appeal site includes land which forms part of the highway for Woods Lane (renamed Calewood Road). The Council have confirmed that this historic public highway alignment is considered surplus to their current highway requirements. Accordingly, this land would need to be officially closed as part of an Order under a section 247 of the Town and Country Planning Act 1990. This does not form part of this section 78 appeal.

Main Issue

3. The main issue is the effect of the proposed development on the character and appearance of the surrounding area.

Reasons

4. The vacant appeal site is located on the corner of Woods Lane and Calewood Road, and has an irregular shape resulting from the curved section of Calewood Road entering off Woods Lane. The surrounding area has a suburban character and appearance, predominantly comprising of a regular pattern of semi-detached dwellings with some detached bungalows located on corner plots. Adjoining the appeal property to the north is a commercial development comprising of a local convenience store, takeaway food outlets and a hairdresser. Existing development along Woods Lane is currently set well back from the road reserve contributing towards a sense of spaciousness, which the vacant characteristics of the appeal site currently form part of.

5. Compared to the characteristics of the currently vacant site, the appeal proposal would introduce a more prominent feature within the street scene. Despite this, it is my view that the appeal proposal would still maintain the sense of spaciousness currently experienced along Woods Lane. This would largely be attributed to the siting of the garden area along Woods Lane and the proposed dwelling being setback in line with the neighbouring commercial property to the north. The proposed dwelling would also appear subordinate in relation to the neighbouring residential dwelling at 7 Calewood Road by achieving a lower building height, and due to this portion of the appeal site being located below the ground levels of Woods Lane.
6. The dwellings along Calewood Road are currently located centrally within regularly sized and shaped residential plots, achieving a well defined building line and pattern which characterises the street scene. Comparatively, the appeal proposal would be setback within the appeal site towards the rear corner, due in part to the irregular shape of the appeal site. Whilst from a siting and layout perspective this would deviate from the predominant pattern along Calewood Road, I do not share the Council's view that this would equate to a cramped or incongruous feature within the street scene. The siting and layout of the appeal proposal appropriately balances the defined characteristics along Woods Lane and Calewood Road by having regard for the curved alignment along this section of Calewood Road. By taking into consideration this feature, the proposal achieves a front and side boundary setback comparable to the building line and pattern established by existing dwellings on Calewood Road. Whilst not centrally located, the proposed dwelling location would not compromise either the outdoor garden space or on-site vehicle manoeuvring areas necessary to support the proposed residential use.
7. The Council have further suggested that the proposed bungalow design would be out of keeping with the predominantly semi-detached dwelling character of Calewood Road and the surrounding area. I observed similar examples of detached bungalows on corner plots in the surrounding area, in some instances with irregular plot sizes and dimensions similar to the appeal site. Notwithstanding the plot design, the bungalow dwellings on these sites maintained a complementary appearance with the pattern of semi-detached dwellings which make up the predominant residential character. Having regard to all the above reasoning, it is my view that the proposed bungalow would compliment the predominant character and appearance along Calewood Road and the surrounding area.
8. The appellant makes reference to examples of similar development in the wider area as support for their case. Based on the information provided I do not consider these examples to be comparable to the appeal proposal as the site context, surrounding built form character, and strategic housing allocation status are different to the appeal proposal. As such I have given little weight to these considerations. The Council refers to a previous decision over the appeal site, which was dismissed at appeal. Whilst I acknowledge the conclusions reached under this appeal, as described by the Council, based on the evidence before me and on its own merits I do not consider the appeal proposal to amount to the harm previously identified. The benefits of the proposal as a windfall development on a brownfield site, close to public transport links, and within walking distance of local services and facilities have been acknowledged by both parties. I note these benefits and give them moderate weight.

9. Accordingly, the proposed erection of a dormer bungalow would not harm the character and appearance of the surrounding area. It therefore complies with Policy S6 of the Dudley Borough Development Strategy (adopted March 2017), guidance within the New Housing Development Supplementary Planning Document (revised 2017), and Paragraphs 127 and 130 of the National Planning Policy Framework (the Framework). These policies and guidance seek, amongst other things, to ensure that development is appropriately designed having regard for the character and appearance of the local area. I note the Council refers to Paragraph 192 of the Framework in their statement of case as support for their decision, however this paragraph would not apply to the appeal proposal as it relates specifically to proposals affecting heritage assets.

Conditions

10. In allowing the proposed development I have had regard to the conditions suggested by the Council, which the appellant has agreed to. Where necessary I have amended the wording of the suggested conditions, in the interests of precision and clarity, and in order to comply with advice in the Planning Practice Guidance and the Framework.
11. Planning permission is granted subject to the standard three year time limit condition for implementation. In addition, it is necessary to specify the approved plans in the interest of certainty.
12. In the interests of the character and appearance of the area, it is necessary to impose conditions relating to site levels, building materials, landscaping and boundary treatments. It is not necessary for these matters to be provided ahead of any demolition, site clearing, or ground investigation works, so I have altered the suggested timing accordingly. Further, I have amended the timing for the submission of landscaping details to more appropriately occur before the occupancy of the approved building.
13. The conditions proposed relating to the access design are necessary for the safety and function of the highway network and its users. Likewise, conditions requiring the internal parking and turning area be kept clear of obstruction or used for any other purpose than that intended. Details of proposed electric charging points is not considered necessary and has been combined with the above parking and turning area condition in the interest of brevity.
14. A pre-commencement condition was recommended by the Coal Authority as part of their consultation response. The purpose is to ensure adequate information pertaining to ground conditions and coal mining legacy is available to enable appropriate remedial and mitigatory measures to be identified and carried out if required before building works commence on site. I am satisfied that such a condition is appropriate and necessary.
15. Both parties have been consulted on the Coal Authority's recommended pre-commencement condition. No response was received from the Council. The appellant confirmed that they accept the condition. The procedure set out under section 100ZA(5) of the Town and Country Planning Act 1990 has been followed.

Conclusion

16. For the reasons given above I conclude that the appeal should be allowed.

J Gibson

INSPECTOR

Schedule of Conditions

- 1) The development hereby permitted shall begin no 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: OS Plan (prepared by Design to Build); Proposed Site Plan (Dwg No 1272:01a, Rev A, dated 09.01.2019); Proposed Floor Plans, Elevations and Street Scene (Dwg 1272:02b, Rev B, dated 09.01.2019); and Topographical Survey (Dwg No 9903a, dated 11-06-2018).
- 3) No development except for demolition, site clearance and initial ground investigations works shall commence until details of the existing and proposed levels of the site (including finished floor levels), as they relate to the levels of adjoining land and highways, shall be submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be carried out in accordance with the approved levels.
- 4) No building works above ground level shall commence until a schedule detailing the types, colours and textures of the materials to be used on the external surfaces of the buildings hereby approved have been submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be carried out in accordance with the approved details.
- 5) Prior to the first occupation of the dwelling hereby approved, details of the types, sizes and locations of the boundary treatments around the site shall be submitted to and approved in writing by the Local Planning Authority. The boundary treatments shall be carried out in accordance with the approved details prior to the first occupation of the dwelling hereby approved.
- 6) Prior to the first occupation of the dwelling hereby approved, full details of the soft landscaping scheme for the site shall be submitted to and approved in writing by the Local Planning Authority. The agreed scheme shall be implemented in accordance with the approved details before the end of the first planting season following the first occupation of the development. Any trees or shrubs planted as part of the approved landscaping scheme (including any planting in replacement for which is removed, uprooted, severely damaged, destroyed or dies within a period of five years from the date of planting) shall be replaced by trees or shrubs of the same size and species and in the same place.
- 7) No development except for demolition, site clearance and initial ground investigations works shall commence until details of the access into the site, together with the parking and turning area (including details of lines, widths, levels, gradients, cross sections, drainage, lighting and electric vehicle charging points for the dwelling) have been submitted to and approved in writing by the Local Planning Authority. The development shall not be occupied until the access into the site, together with the parking and turning area within the site have been laid out in accordance with the approved details. These areas shall thereafter be retained and not be used for any other purpose for the life of the development.
- 8) No development shall take place until an intrusive site investigation of the nature and extent of any land instability has been carried out in accordance with a methodology which shall have previously been submitted to and approved in writing by the Local Planning Authority. The results of the site

investigation shall be made available to the Local Planning Authority before any development takes place. If any land instability issues are found during the site investigation, a report specifying the measures to be taken to remediate the site to render it suitable for the development hereby permitted shall be submitted to and approved in writing by the Local Planning Authority. The site shall be remediated in accordance with the approved measures before development takes place. If, during the course of development, any unexpected land instability issues are found which were not identified in the site investigation, additional measures for their remediation shall be submitted to and approved in writing by the Local Planning Authority. The remediation of the site shall incorporate the approved additional measures.

End of Schedule