



Appeal Decision

Site visit made on 17 December 2019

by A Denby BA(Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 23 January 2020

Appeal Ref: APP/Z3445/W/19/3237923

30 Torside, Wilnecote, Tamworth, Staffordshire, B77 4NH

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a failure to give notice within the prescribed period of a decision on an application for planning permission.
 - The appeal is made by Mr Martin Henney against Tamworth Borough Council.
 - The application Ref 0305/2019 is dated 1 July 2019.
 - The development proposed is erection of single storey garage to the side of property.
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Decision

1. The appeal is dismissed and planning permission is refused for the erection of single storey garage to the side of property.

Background and Main Issue

2. The appeal results from the Council's failure to determine the planning application within the statutory timescale. The Council has indicated that had it been in a position to determine the application within the statutory timescale it would have refused permission on the basis that the proposed garage, due to its scale and prominence, exacerbated by the increase in levels, loss of trees and position close to the footpath would detract from the character and spacious nature of the plot and would harm the character and appearance of the immediate surroundings to the detriment of the visual amenities and character of the street scene. The Council consider the proposal would therefore be contrary to Policy EN5 of the Tamworth Borough Council Local Plan 2006-2031, adopted 2016 (LP) and guidance in the adopted Supplementary Planning Document: Tamworth Design Guide, 2019 (SPD)
3. The main issue is therefore the effect of the proposed development on the character and appearance of the area.

Reasons

4. The appeal site comprises a two-storey, semi-detached dwelling occupying a prominent corner plot within an established residential area. This prominence is further pronounced by land level changes at this location.
5. Although the site is enclosed by a brick wall to its side and rear, the dwelling is set in from the site boundaries and the site therefore retains a spacious character. This is reflective of the development in the surrounding area where there are substantial grass verges to the back of the highway and dwellings are set back from their boundaries and include areas of landscaping.

6. The appeal scheme proposes a substantial garage extension to the side of the property. Whilst the garage extension would be single storey and set back behind the existing front elevation, due to its overall size, in particular its width, it would compete visually with the host property.
7. Torside climbs steeply from its road junction with Pennymoor Road, and the existing dwelling and driveway are also in an elevated position. The site is therefore very prominent from the wider area, and the removal of existing trees as part of the proposals would further open up views to the site.
8. I saw on my site visit that there would be a significant level change between the proposed garage and adjacent footpath, though the details submitted have not demonstrated how this would be addressed. Nonetheless, the proposed garage, due to its overall size, design and proximity to the side boundary would be a dominant and incongruous addition within the wider street scene.
9. Consequently, the proposed garage would compete visually with the host dwelling and harm the open character and appearance of the site and the surrounding area. On that basis, I therefore conclude that the proposed development would be contrary to LP Policy EN 5 which seeks to ensure that developments are of a high quality and of a scale, layout, form and massing that conserves or enhances the setting of the development. For the same reasons the proposal would also fail to achieve the high-quality design requirements of the SPD or Section 12 of the National Planning Policy Framework.
10. It is noted that the proposal would include appropriate materials, utilise the same roof pitch as the existing dwelling and not impact on neighbouring properties. However, I consider these matters would have a neutral effect, and therefore do not weigh in favour of the appeal. It is also acknowledged that there were no neighbour objections to the original planning application, though I have considered the appeal on its merits and this does not, therefore, lead me to a different conclusion.
11. It appears the Council suggested amendments to the scheme though the appellant does not consider these would address the concerns as the roof height would be the same, albeit the width would be significantly reduced. In determining this appeal my decision has been considered on the basis of the plans submitted. It is not the role of the appeal process to evolve a scheme, and therefore this is not a matter which I can consider.
12. The appellant also states that reducing the width would not provide them with sufficient space. Whilst I note the appellant's requirements for the garage to be of a certain size, I am mindful that this benefit would be personal to the appellant and I do not consider this would outweigh the harm I have identified above.

Conclusion

13. For the reasons given above, I conclude that the appeal should be dismissed, and planning permission refused.

A Denby

INSPECTOR