
Appeal Decision

Site visit made on 2 December 2019 by A J Sutton BA Hons DipTP DMS MRTPI

by R C Kirby BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 11th February 2020

Appeal Ref: APP/C4615/W/19/3237441

2 Hungerford Road, Norton, DY8 3AB

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
 - The appeal is made by Mr D Evans against the decision of Dudley Metropolitan Borough Council.
 - The application Ref P19/0726, dated 20 May 2019, was refused by notice dated 16 July 2019.
 - The development is described as 'Proposed 2 storey dwelling'.
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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. The planning application was submitted in outline and the application form makes it clear that all matters are reserved at this stage. I have considered the appeal proposal accordingly and have treated the proposed site plan, floor plan and context sketch elevation as indicative.

Main Issues

4. The main issues are the effect of the proposal on the character and appearance of the area and on the living conditions of the occupiers of the host property and proposed dwelling.

Reasons for Recommendations

5. The appeal site comprises part of the garden and the garage area of a dormer style bungalow, situated on a corner plot at the entrance to Hungerford Road. The existing detached garage has a hipped tiled roof matching the design of the side of the host dwelling. Hungerford Road forms part of a suburban residential area, with rows of semi-detached dwellings near the appeal site.

Character & Appearance

6. The National Planning Policy Framework (Framework) establishes a presumption in favour of sustainable development and supports decisions that make efficient use of land for development. It also requires that developments will function well and add to the overall quality of the area, and are sympathetic to local character and history, including the surrounding built environment and landscape setting.
7. The appeal site is rectangular in shape and is located to the side of No 4 Hungerford Road and to the rear of the host property. It is located within a suburban area, close to services and facilities. Although the appeal site is similar in width to that of No 4, and other semi-detached properties along the road, it is much shorter in length. The development of a new 2 storey dwelling on the appeal site would be unlikely to reflect the spacious characteristics of nearby development as a result.
8. Moreover, given the close relationship of the appeal site to the side of No 4 and the rear of No 2, there is a high probability that a new dwelling on the site would appear cramped in relation to neighbouring development. The development of the site with a new dwelling would erode the current balance of built form and corresponding spacing and would not harmonise with the general grain of development in the locality.
9. Given the above I conclude that the proposal would result in significant harm to the character and appearance of the area. The provision of a self-build dwelling in this location does not outweigh the identified harm. The proposal conflicts with Policies CSP4, ENV2, ENV3, and HOU2 of the Black Country Core Strategy (BCCS), Policy L1 and S6 of the Dudley Borough Development Strategy 2017 (DBDS), guidance set out in the New Housing Development Supplementary Planning Document 2013 (SPD) and the Framework. These policies and guidance collectively seek new housing to be developed on suitable sites, achieving high quality design which is responsive to the character of the surrounding area, taking account of local distinctiveness, whilst considering such features as established pattern of development and space around buildings and avoiding the subdivision of a plot which would have a detrimental impact on the character of the area.
10. The Council has referred to BCCS Policy HOU1 in its decision notice. This policy relates to delivering sustainable housing growth and I find that, on the basis of evidence before me, that the proposal does not conflict with the purpose of this policy to deliver a certain number of dwellings over the plan period.

Living Conditions

11. Although matters of layout and appearance are not before me at this outline stage, there would be a high probability that given the size of the appeal site that the new 2 storey dwelling would be located in close proximity to the rear elevation of the host property and its remaining small rear garden. The likely scale of the new dwelling and the proximity to the party boundary would be overbearing on the outlook from the rear bedroom window of No 2 and would result in a significant sense of enclosure of the rear garden area, making this room and outdoor space less pleasant to use as a result. In reaching this view I am mindful that the existing garage limits the outlook from the bedroom window, however this is of a single storey design and there is a high probability

that the new dwelling would be much taller and bulkier than the existing building, thereby having a significantly greater effect on both outlook and sense of enclosure from the rear of No 2.

12. It is accepted that both the new and existing dwellings would have adequate garden space and that there would be scope to design the new dwelling and reconfigure the host dwelling to protect the privacy of occupiers of the respective properties. However, no details in this regard are before me at this outline stage and I am required to consider the proposal on its merits. Given the relationship of the first floor window and proximity to the likely rear garden area of the new property, I consider that the intended future occupiers would feel a sense of being overlooked by occupiers of the host dwelling, making this area not feel private or pleasant to use.
13. In light of the foregoing, I conclude that the proposal would be harmful to the living conditions of the occupiers of the host property. Moreover, acceptable living conditions would not be provided to the intended future occupiers of the new dwelling. The proposal is therefore contrary to Policy HOU2 of the BCCS, Policy L1 of the DBDS and the guidance within the SPD which seek, amongst other matters for new development to minimise amenity impacts, including those of neighbouring occupiers, ensuring that garden land development does not have a detrimental impact on residential amenity.

Conclusion and Recommendation

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

A J Sutton

APPEAL PLANNING OFFICER

Inspector's Decision

15. I have considered all the submitted evidence and concur that the appeal should be dismissed.

RC Kirby

INSPECTOR