
Appeal Decision

Site visit made on 12 March 2020

by Andrew McGlone BSc MCD MRTPI

an Inspector appointed by the Secretary of State

Decision date: 24 March 2020

Appeal Ref: APP/P1805/D/20/3244670

155 New Road, Bromsgrove B60 2LH

- 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 Stuart Hawkes against the decision of Bromsgrove District Council.
 - The application Ref 19/00961/FUL, dated 13 July 2019, was refused by notice dated 18 December 2019.
 - The development proposed is the conversion of a front garden to a new driveway with vehicle access to New Road, Bromsgrove. Conforming to all statutory requirements and guidance sort from highways in pre-application discussions and closing off existing rear vehicle access. Creation of a new driveway opening to New Road for light vehicles whilst maintaining and extending the length of hedgerow along the frontage with New Road in-keeping with the current street scene and in line with the residences along the road.
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Decision

1. The appeal is allowed and planning permission is granted for the conversion of a front garden to a new driveway with new road access to New Road at 155 New Road, Bromsgrove B60 2LH in accordance with the terms of the application, Ref 19/00961/FUL, dated 13 July 2019, subject to the following 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: 001-SLP-01 Rev 2; and 001-SPP-02 Rev 3.
 - 3) The development hereby permitted shall not be occupied until pedestrian visibility splays of 2 metres x 2 metres measured perpendicularly back from the back of the verge are provided on both sides of the access. The splays shall thereafter be maintained free of obstruction exceeding a height of 0.6m above the adjacent ground level.
 - 4) The development hereby permitted shall not be brought into use until inward opening access gates have been set back 5 metres from the edge of New Road and the first 5 metres of the access, measured from the edge of the carriageway, has been surfaced in a bound material.
 - 5) The development hereby permitted shall not be brought into use until the existing vehicular access from Dragoon Fields has been permanently closed in accordance with details that shall have been submitted to and approved in writing by the Local Planning Authority.

Procedural Matters

2. The description of development found on the planning application form contains matters which are not acts of development, merits of the appellant's case and personal information. I have therefore used the description of development found on the appellant's appeal form at the start of this decision as this broadly encapsulates the description of development stated on the planning application form. Yet, this also has wording that is not a description of development and phrases which address the merits of the appellant's case. Notwithstanding this, it is clear from the plans and accompanying details that the development comprises of the "*Conversion of a front garden to a new driveway with new road access to New Road*". The Council dealt with the proposal on this basis and thus I have used this description of development in my formal decision.
3. An amended plan (Ref: 001-SPP-02 Rev 3) has been submitted with the appeal. This plan seeks to address the Council's concerns which relate to the formation of a large gap within the existing hedgerow, and the proposal's consequential impact on the character of the area and the street scene. The changes made by the appellant do not alter the size or location of the proposed access nor the general layout of the front garden. The changes include additional hedgerow planting on either side of the access and further clarity is provided about the pedestrian and vehicular visibility splays. The appeal process should not typically be used to evolve a scheme. However, the amended plan does not fundamentally change the development proposed and the changes could potentially be secured by planning conditions in any event. I have therefore considered the appeal based on the amended plan.

Application for costs

4. An application for costs was made by Mr Stuart Hawkes against Bromsgrove District Council. This application is the subject of a separate Decision.

Main Issue

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

Reasons

6. The appeal site comprises of a semi-detached dwelling on the east side of New Road. The property is set back from, and slightly elevated above the road which is lined by pedestrian footways on both sides. A row of semi-detached dwellings line the eastern side of New Road between Rigby Lane and the roundabout junction to the south. These properties have a broadly similar layout, with landscaped front and rear gardens. A hedgerow extends across the front boundary of each property. The hedgerow is generally low, but regular small gaps provide pedestrian access to each property from the road. Vehicular access and parking to this row of properties is gained from Dragoon Fields to the rear. The appeal property has a detached garage and a parking area between the rear garden and Dragoon Fields. As a result, no vehicular access is obtained from New Road to the row of semi-detached properties.
7. Driveways are fairly common elsewhere on New Road, but they are not the rule either. Notably, shrubs and hedgerows supplement typically low boundary treatments fronting the road. A single yellow line extends along the eastern side of New Road, while the western side can be used for on-street parking in areas not subject of parking restrictions or 'H bar markings'.

8. The formation of a driveway leading off New Road would result in a gap within the existing mixed species hedgerow. The gap would be around 3.6 metres, which would be in addition to the existing pedestrian entrance, and larger than the pedestrian entrances that serve the row of semi-detached properties on the eastern side of the road. Nonetheless, the size of the gap is not unusual on the western side of New Road or further to the north. That said, the existing hedgerow does contribute to the visual amenity of the street scene on the eastern side of New Road.
9. Despite the visual greening offered by the hedgerow, the hedge is deemed to be of a poor quality and of a low level of visual amenity and habitat value by the Council's Arboricultural Officer. This is due to the invasion of Sycamore. While the hedgerow could potentially be improved and maintained, a good proportion of the existing hedgerow is likely to be removed to overcome the Sycamore invasion. In turn, this would downgrade the visual contribution that the hedgerow makes and its habitat value.
10. So, while the appeal scheme would introduce a larger additional gap, new hedgerow planting is proposed that could comprise of native species. This leads me to consider that the proposal would, when judged as a whole, amount to good design and enhance the character and distinctiveness of the local area whilst ensuring the access is accessible and safe for all users.
11. I understand the appellant's rationale for the proposed development, and although the dwelling's external space would be adapted to meet the current occupants' needs, planning permission runs with the land. This is not to diminish the benefits that the appellant and his family may receive, but these matters are not decisive in this case given that both the front and rear garden spaces could serve any future occupants needs. While I saw the tight layout of Dragoon Fields to the rear of the property and the existing parking arrangements, the road is not unduly trafficked. Some of the issues raised by the appellant about the existing rear parking arrangement relate to matters of convenience. I recognise the appellant's safety concerns, but there is no evidence to suggest that neighbouring occupants with a similar rear access and parking arrangements consider them to be unsafe.
12. For these reasons, I conclude that the proposed development would accord with policies BDP19 and BDP21 of the Bromsgrove District Plan 2011-2030 and paragraph 127 of the National Planning Policy Framework; which together, seek high quality development that enhances the character and distinctiveness of the local area, is accessible to all users and achieves net gains in biodiversity.

Conclusion and conditions

13. I have had regard to the planning conditions suggested by the Council. I have imposed an approved plans condition in the interests of certainty. In the interests of highway safety, I have imposed conditions to secure: the necessary pedestrian visibility splays; surfacing; inward opening access gates to enable a vehicle to safely wait off the highway while they open; and so that the existing vehicular access from Dragoon Fields is permanently closed. A matching materials condition is not necessary given the varied used of materials locally.
14. For the reasons set out above, I conclude that the appeal is allowed.

Andrew McGlone

INSPECTOR