The Planning Inspectorate

Appeal Decision

Site visit made on 20 January 2020 by S Watson BA(Hons) MSc

Decision by Sarah Housden BA(Hons) BPI MRTPI

An Inspector appointed by the Secretary of State

Decision date: 30 March 2020

Appeal Ref: APP/C4615/D/19/3238693
Bella Vista, Hermit Street, Upper Gornal DY3 2BS

- 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 D Boydell against the decision of Dudley Metropolitan Borough Council.
- The application Ref P19/0650, dated 02 May 2019, was refused by notice dated 16 July 2019.
- The development proposed is the erection of detached garage and new front boundary wall and railings.

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 Council's officer report refers to the removal of the loft conversion and dormer window from the proposed development and the decision notice does not include the loft conversion within the description of development. I have therefore taken the description of the development in the banner heading above from the Council's decision notice.

4. Although the submitted plans include a proposed dormer window on the rear elevation of the appeal property, for the avoidance of doubt, my assessment of the appeal proposal relates to those plans which are relevant to the description of the development in the banner heading above, the proposed wall and garage as shown on drawing number *CA-212-03 Rev B*.

Main Issues

5. The main issues in this case are the effect of the proposal on:

   - the character and appearance of the street scene; and,
   - the safety of highway users.

Reasons for the Recommendation

Character and Appearance

6. The appeal site is located on the west side of Hermit Street, just to the south of a slight bend in the road. The road slopes down from the north towards the south. The immediate part of Hermit Street surrounding the appeal site is characterised by a variety of dwellings and frontage treatments including dwarf walls with railings above. The exception to this is those properties to the south of, and including, Benvenute, the dwelling immediately to the north of the appeal site. These frontages, including that at the appeal site, generally include a mixture of soft and hard landscaping but no built structures which contributes to a sense of spaciousness in the street scene.

7. Boundary features, particularly dwarf walls with railings above, are an existing feature on both sides of the street. However, the proposed boundary wall and railings would be significantly taller than those on the west side of the street and the majority of those on the east side. Due to their overall height and prominent position at the back edge of the road carriageway, the proposed wall and railings would be a dominant and intrusive feature, which would be harmful to the character and appearance of the street scene.

8. The buildings on the west side of Hermit Street are set well back from the road with a relatively strong building line following the curve of the street. Due to its position forward of this line, the proposed garage would also be a prominent feature within the street scene and would not be sympathetically related to the host dwelling. Moreover, there are no outbuildings positioned forward of the dwellings surrounding the site and the proposal would, therefore, be an incongruous addition within the street. Although the appellant has referred to the garage being cut into the slope, I have not been provided with details of this and I cannot be certain that a condition would be sufficient to suitably reduce the prominence of the building. Moreover, I find that the existing small area of lawn on the site and the proposed front boundary would not be adequate to mitigate the visual impact of the proposed garage or soften its appearance within the frontage.

9. I conclude that the proposed wall, railings and garage would be unduly prominent and conspicuous in the street scene which would be harmful to its spacious character and appearance. The proposal would therefore be in conflict with Policy ENV2 of the *Black Country Core Strategy* (BCCS), Policy L1 of the *Dudley Borough Development Strategy* (DBDS) and the *Planning Guidance Note No. 17: House Extension Design Guide* (PGN) which, amongst other things, seek to protect and promote the local distinctiveness of the Black Country and enhance local character.

10. In reaching this conclusion, I have been mindful of the appellant's point that the appeal site is not of historic interest, and that the PGN is not relevant to the proposal before me. Whilst I have not been directed to any specific historic interest, I find that the appeal site does contribute towards the spacious character of Hermit Street. The objectives of BCCS Policy ENV2 would therefore be relevant to this appeal. Moreover, the PGN refers to free-standing garages and is therefore relevant to this aspect of the appeal.

Highway Safety

11. Due to the absence of boundary features to the front of the appeal property, views of the highway are generally open and the inter-visibility between drivers leaving the site and other highway users is unobstructed. However, as the site is located between two bends in the road, longer distance views to the north and south are restricted. This is especially so to the south where the bend is more acute and the boundary on the opposite side of the road is formed by a wall and dense trees. Although there is no footway in front of the appeal site, it is likely that pedestrians would use the footpath on the east side of Hermit Street.

12. Whilst the proposed railings above the dwarf wall would allow views through them, I consider that the acute angle at which a driver leaving the site would need to look through the boundary would negate any meaningful benefit of the gaps between the bars. Moreover, the proposed 1.85 metre high brick piers would further obstruct views of the road. As such, it is likely that drivers leaving the site would need to enter the carriageway to gain clearer views in either direction, increasing the potential for conflict with other cars and/or cyclists. This would be likely to lead to hazardous conditions for road users which would be detrimental to their safety.

13. Given the location of the appeal site between two bends in the road and the restricted width of the road it is likely that traffic speeds would be low. However, this would not overcome the risk to the safety of highway users caused by the restricted visibility at the entrance of the proposed access. Moreover, the more central position of the access would not mitigate against the poor levels of inter-visibility caused by the wall and railings.

14. Policy TRAN2 of the BCCS deals with proposals likely to have significant transport implications and is not directly relevant given the scale of the appeal proposal. However, Policy L1 of the DBDS requires adequate access, parking and manoeuvring space and is therefore relevant to my determination of the appeal. Whilst Policy L1 is not referred to in the highway reason for refusal, it was referred to in the other two reasons for refusal and the Council's officer report. I conclude that the parties would not be prejudiced by my using it in the assessment of this issue.

15. In light of the above, I conclude that the proposed boundary wall and railings would be detrimental to the safety of other highway users due to the potential for conflicting movements between vehicles emerging from the appeal site and other highway users. This would be contrary to Policy L1 of the DBDS which requires development, amongst other things, to not have a detrimental impact on highway safety and the free flow of traffic.

Other Matters

16. I note the appellant's design seeks to increase storage space and improve the living accommodation provided at the appeal property. However, this would essentially be a private benefit and it would not outweigh the harms I have identified above.

17. Had my findings in relation to the main issues in this case been more favourable, it would have been necessary to address the comments about the impact on living conditions from the adjoining occupier in more detail.

However, as I am dismissing the appeal and since it will not affect the overall outcome, I make no further comments on this matter.

Conclusion and Recommendation

18. For the reasons given above I recommend that the appeal should be dismissed.

S Watson

APPEAL PLANNING OFFICER

Inspector's Decision

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

Sarah Housden

INSPECTOR