



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: 2nd April 2020

Appeal Ref: APP/P1805/W/19/3238560

1 Kings Meadow, Holy Cross DY9 9QR

- 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 David Nevelle against the decision of Bromsgrove District Council.
 - The application Ref 19/00996/FUL, dated 18 July 2019, was refused by notice dated 10 September 2019.
 - The development proposed is construction of a three bedroom detached 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.

Background and Main Issue

3. The appeal proposal lies within the West Midlands Green Belt. The Council concluded that the proposed erection of a new dwelling would comprise limited infilling and would therefore not be inappropriate development within the Green Belt. Based on the location and scale of the proposed development, I concur with the Council that the proposal would represent limited infilling in a village and thus falls within Paragraph 145(e) of the Framework. Therefore, the proposal would not be inappropriate development within the Green Belt. On that basis there is no further need for me to consider the effect of the proposal on the openness of the Green Belt nor whether there are special circumstances necessary to justify the development.
4. Therefore, the main issue in this case is the effect of the proposal on the character and appearance of Kings Meadow and the surrounding area.

Reasons for the Recommendation

5. The appeal site is located on Kings Meadow, a residential cul-de-sac which is accessed off Church Avenue, a through-road to the south of the site. The development on Kings Meadow is separated from the largely traditional buildings on Church Avenue by a wide band of soft landscaping which includes mature trees and a hedgerow. The uniformity in the appearance of dwellings on

Kings Meadow and the regular spacings between the semi-detached pairs grouped around the cul-de-sac create a pleasant and established residential character. The dwellings are set back from the road in generously sized plots which creates a spacious and verdant character. The appeal site is a side garden serving No 1 King's Meadow, alongside the landscaped area and the south-east boundary is made up of mature trees.

6. Although some dwellings along the street have been extended, the original pattern of development, including their semi-detached form and the spaces between properties, has been retained. The single-storey outbuilding to the side of No 1 would maintain a degree of separation between No 1 and the proposed dwelling at first floor level. However, the proposed dwelling would be closer to Church Avenue than any of the existing properties on Kings Meadow, which would erode the sense of separation between the two streets. Notwithstanding the presence of mature trees and hedging within the landscape belt, when viewed from the south-west the proposed dwelling would be seen in conjunction with the dwellings on Church Street.
7. Furthermore, by being a single detached building the proposed dwelling would not respect the pattern of development within the street scene and given its prominent location at the entrance to the cul-de-sac, would be a jarring feature within it. Moreover, the proposed parking forecourt would result in a frontage with little opportunity for adequate soft landscaping and this would erode the spacious and verdant character of the street scene.
8. I note that some of the design features of the proposed new dwelling including the single storey cat-slide extension and fenestration, would respect the features of the existing properties along King's Meadow. However, this would not outweigh the harm identified above.
9. In all, I conclude that the proposed dwelling would not integrate with Kings Meadow and would have a harmful impact on the pattern of development and the spacious and verdant character of the street. As such, it would be in conflict with the character and appearance aims of Policies BDP7 and BDP19 of the *Bromsgrove District Plan* (BDP) and Paragraphs 122 and 127 of the Framework.

Other Matters

10. The appellant has drawn my attention to the pre-application advice given by the Council for up to two dwellings. I note that this advice, while mostly positive in principle was not supportive of the scheme before the Council. Moreover, it is clear that although a new Framework has been adopted there has been little material change to its provisions relating to high quality design which were relevant to the pre-application advice and the appeal before me. In any event, pre-application advice cannot prejudice a Council's determination of a formal planning application and as such I give this matter little weight.
11. Moreover, although I note that the appeal site is within the settlement boundary and that the appellant intends the proposed dwelling to be a self-build, this does not alter my conclusion in relation to the main issue in this case.

Planning Balance and Conclusion

12. Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that planning applications are determined in accordance with the development plan, unless material considerations indicate otherwise.
13. The Council cannot demonstrate a five-year housing land supply and, in these circumstances, paragraph 11 of the Framework indicates that the policies most important for determining the application should be considered as being out of date. As I have concluded that the proposal would not be inappropriate development in the Green Belt, the most important policies for determining the application are BDP Policies BDP7 and BDP19. In so far as they seek to ensure that development maintains or enhances the character and distinctiveness of the local area, they are consistent with the Framework's intention that development should add to the overall quality of an area. They are therefore not out of date and can be afforded significant weight in this decision. Paragraph 11 of the Framework is therefore not engaged, and the appeal falls to be determined under a normal planning balance.
14. The benefits of the scheme before me include the provision of additional housing within a sustainable location and an economic benefit through its construction. However, given the scale of the development such benefits would be very limited, and I attach limited weight to them in favour of the proposal. As such they would not outweigh the significant weight given to the harm to the character and appearance of Kings Meadow and the surrounding area, as identified above.
15. In these circumstances, there are no material considerations to justify making a decision other than in accordance with the development plan.
16. For the reasons given above I recommend that the appeal should be dismissed.

S Watson

APPEAL PLANNING OFFICER

Inspector's Decision

17. 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