
Appeal Decision

Site visit made on 7 January 2020

by Bhupinder Thandi BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 8 April 2020

Appeal Ref: APP/P1805/W/19/3238754

30 Littleheath Lane, Lickey End B60 1JL

- 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 Mrs Lorraine Dowling against the decision of Bromsgrove District Council.
 - The application Ref 19/00825/FUL, dated 13 June 2019, was refused by notice dated 20 August 2019.
 - The development proposed is a new single storey dormer bungalow with access from the side of 30 Littleheath Lane.
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Decision

1. The appeal is dismissed.

Procedural Matter

2. I have shortened the appellant's description of development to make it more succinct.

Main Issues

3. The main issues are:
 - the effect of the proposed development upon the character and appearance of the area;
 - the effect of the proposed development on the living conditions of nearby occupiers with specific regard to light and outlook;
 - whether the development would provide satisfactory living conditions for future occupiers, with specific regard to garden space; and
 - whether the proposal would be a sustainable form of development having regard to the National Planning Policy Framework (The Framework).

Reasons

Character and appearance

4. The host property is a two storey end terrace dwelling located within the village of Lickey End. The appeal site forms part of its linear garden. The run of properties in the terrace have linear gardens that are uniform in length and provide a sense of spaciousness to the edge of the village. The neighbouring

cul-de-sac of Deanscroft Drive comprises two detached bungalows constructed behind 28 Littleheath Road and extends beyond the appeal site. Dwellings in Deanscroft Drive contrast with the established pattern of development within this part of the village which is mainly of a more linear form extending along the road.

5. The siting of the proposed dwelling within the garden land of the host property would be incongruous with the established pattern of development in the area. It would introduce substantial built form in the rear garden and would diminish the otherwise sense of space to the rear of the host property and indeed to the rear of the vast majority of other existing residential properties along Littleheath Lane. The proposal would not therefore successfully integrate by virtue of its back-land position, uncharacteristic tandem arrangement with the host property and small irregular shaped plot.
6. For the above reasons, I conclude that the development would adversely affect the character and appearance of the area.
7. Consequently, it would be contrary to Policies BDP7 and BDP19 of the Bromsgrove District Plan (2017) (BDP) which, amongst other things, seeks to maintain character and local distinctiveness and resist the development of garden land unless it fully integrates into the residential area. It would also represent a poor form of design in conflict with chapter 12 of the Framework.
8. In reaching the above conclusion, I do acknowledge that the proposal would make more efficient use of land. However, I find that this would be at the expense of the loss of a residential garden which positively and distinctively contributes to the overall character and appearance of the area. As such this is not a matter which alters or outweighs my conclusion on this main issue or indeed my overall conclusion at the end of this decision.
9. The appellant has referred to two examples of dwellings behind the regular building line along Littleheath Lane. Both developments were permitted some time ago and under different development plan policies. They are not directly comparable to the appeal scheme. With regard to Deanscroft Drive, the original plot was noticeably wider and deeper than the appeal site. Furthermore, the layout of Deanscroft Drive is more comprehensive in terms of its formal road layout and position of dwellings fronting the road. In addition, and in any event, the proposed dwelling would be seen in the context of the mainly uniform and spacious back gardens to the rear of the dwellings fronting Littleheath Lane.
10. I therefore find that the examples of other developments do not alter or outweigh my conclusion on this main issue.

Living conditions for existing occupiers

11. The proposed dwelling would be a one and a half storey dormer bungalow facing the rear of the host property. According to the Council the proposed development would be sited within 4.5m of the rear boundary of the host property's rear garden area and within 0.9m of the boundary with 32 Littleheath Lane.
12. I acknowledge that the proposal would be in relatively close proximity to neighbouring boundaries. However, taking into account the modest height, mass and position of the proposed development, I find that it would not be

overly dominant when viewed from the rear of the host property and would not result in any significant loss of light to neighbouring rear gardens or properties.

13. For the above reasons, I conclude that the proposal would not cause material harm to the living conditions of the occupiers of neighbouring residential properties and would therefore accord with Policy BDP1 of the BDP which, amongst other things, requires developments to pay regard to the impact on residential amenity. It would also accord with the requirements of the Supplementary Planning Document High Quality Design (2019) (HQDSPD) and paragraph 127 f) of the Framework which requires developments to avoid adversely impacting on neighbour's amenity.

Living conditions for future occupiers

14. I note from the submitted plans the usable garden area would be located to the side of the proposed development which has been designed to reflect this. There is some disagreement between the main parties in respect of the actual size of the garden area with regard to the numerical guidance set out in the HQDSPD.
15. I find that the garden area would be an inadequate size when taking into consideration the size of the dwelling and the number of bedrooms proposed and could not be reasonably enjoyed. Furthermore, the irregular shape of the garden would make part of it impractical for most purposes further reducing the area that could be realistically used by future occupants.
16. For the above reasons, I conclude that the proposal would not provide adequate usable garden space for future occupiers contrary to the HQDSPD which seeks high quality design and usable private amenity space and paragraph 127 f) of the Framework which, amongst other things, encourages a high standard of amenity for future occupiers.

Other Considerations

17. There is no dispute between the main parties that the Council cannot demonstrate a deliverable five year supply of housing sites. The Council, as part of the appeal, have submitted a 'Housing Land Supply in Bromsgrove District 2011 – 2019' document which sets out a supply of 3.45 years. The appellant contends that the supply is 1.4 years. For the purposes of determining this appeal, I have taken into account the worst case scenario in housing land supply terms i.e. 1.4 years. Either way, paragraph 11 d) of the Framework is engaged.
18. Paragraph 11 d) states that where the local planning authority cannot demonstrate a five-year supply of deliverable housing sites the development plan policies which are most important for determining the application are out-of-date and permission should be granted, unless any adverse impacts of granting permission would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework, taken as a whole.
19. The proposal would increase the supply of housing in the area. It would also create short term employment during the construction phase and future occupiers would support the existing services in Lickey End. However, these would be modest benefits given that only one dwelling is proposed.

20. The appellant contends that it would be possible to erect an outbuilding on the site, utilising permitted development rights in Class E of Schedule 2 of Part 1 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended). I am not aware that a Certificate of Lawful Development has been approved for any such development. Furthermore, this proposal relates to an independent and self-contained dwelling and not for a residential outbuilding. In this case, I am not persuaded that there is a reasonable likelihood that the appellant would opt to erect an outbuilding on the site if planning permission for the appeal development was to be refused. I therefore afford this matter only limited weight in the overall planning balance and, furthermore, I have determined this appeal on its own individual planning merits.

Planning Balance and Conclusion

21. In conclusion, whilst I have found that the proposed development would not cause any material harm to the living conditions of the occupiers of neighbouring properties in respect of outlook and light, this is essentially a matter of neutral consequence in the overall planning balance. Significant harm would be caused to the character and appearance of the area and to the living conditions of occupiers of the proposed dwelling in respect of inadequate outside garden space. In respect of the latter considerations, I have found conflict with policies in the BDP and the Framework.
22. In the context of the above, and taking into account the aforementioned other considerations, I find that the identified adverse impacts of the development would not be significantly and demonstrably outweighed by the identified benefits of the proposal, when assessed against the policies in Framework taken as a whole. Consequently, I conclude that the proposal would not deliver a sustainable form of development. Therefore, the appeal is dismissed.

B Thandi

INSPECTOR