



Appeal Decision

Site visit made on 12 March 2020

by R Morgan MCD MRTPI

an Inspector appointed by the Secretary of State

Decision date: 23 April 2020

Appeal Ref: APP/V4630/W/19/3243236

88 Stonnall Road, Aldridge, Walsall WS9 8JZ

- 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 Davies against the decision of Walsall Metropolitan Borough Council.
 - The application Ref 19/1130, dated 12 August 2019, was refused by notice dated 5 November 2019.
 - The development proposed is a new dormer bungalow.
-

Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are the effect of the proposal on:
 - the character and appearance of the area;
 - the living conditions of the occupiers of 90, 88 and 86a Stonnall Road with particular regard to noise and disturbance, outlook and daylight.

Reasons

Character and appearance

3. No 88 Stonnall Road is a detached house located in a residential area on the edge of Aldridge. The general pattern of development in the area is suburban, characterised by detached and semi-detached houses with active frontages onto the street and secure, private rear gardens.
4. Like its immediate neighbours on Stonnall Road, No 88 has a long rear garden, but its plot is significantly wider than those around it. The proposed development would involve the subdivision of the rear garden of No 88 and the construction of a new four-bedroom dwelling, which would be part single storey and part two storey.
5. The proposed development at the rear of the existing row of houses would constitute tandem style development. The appellant has highlighted local examples¹ of what they consider to be tandem or backland development. However, the examples provided are all significantly different from the appeal proposal and generally retain the predominant pattern of development in the

¹ Hobbs Hole Lane; rear of 25 Stonnall Road; Land rear of Walsall Wood Road; Ledbury Close; Elmdale Drive

area, in which houses front directly onto the street. The site to the rear of 25 Stonnall Lane could be described as tandem development but is much larger than the appeal site, and the arrangement of the surrounding houses is less formal in its layout. Furthermore, according to the Council, several of the schemes identified by the appellant form part of larger developments which were carried out a considerable length of time ago, under different circumstances and in the context of different policies.

6. I acknowledge that areas change in character over time but, despite the examples provided by the appellant, there is no evidence that tandem or backland development has become a characteristic form of development in the local area.
7. Whilst the new house would not be readily visible from Stonnall Road or Druids Avenue, it would be visible from a number of neighbouring properties. By introducing built development into an area of private rear gardens, it would reduce local residents' appreciation of the environment in which they live.
8. Properties in the surrounding area generally date from the late twentieth century but there are a range of ages, sizes and types of properties in the vicinity of the appeal site. The contemporary design and materials of the proposed house would be different from the houses around, but it would not be unattractive, and the design would not appear overly out of place given the existing diversity in the wider area.
9. The proposed house would be predominately single storey but would have a gable feature containing two bedrooms at first floor level. Part of the single storey element would be flat roofed and part would have a pitched roof. I note the Council's concerns about the flat roofed element of the design, however this does not appear to be a particularly unusual feature of the properties in the area. Some of the houses on Stonnall Road have flat roofed elements which are integral to them, such as garages and porches. Overall, I find the design of the proposed house to be acceptable, and the flat roofed section would help to reduce the scale and impact of the proposal on surrounding properties.
10. Notwithstanding my findings about the design of the proposed house, the proposed tandem style of the development would cause harm to the character and appearance of the area. Consequently, it would fail to comply with Policies HOU2, ENV2 and ENV3 of the Black Country Core Strategy 2011 (BCCS), which, amongst other considerations, require that new development protects the special qualities and local distinctiveness of the Black Country, and achieves high quality design which takes account of the characteristics of the area and the identity of each place. There is also conflict with Saved Policy ENV32 of the Walsall Unitary Development Plan 2005 (UDP), which requires that design of development takes account of its relationship with adjacent areas, the street and the character of the surrounding neighbourhood, and with Policy HC2b) of the Site Allocation Document 2019 (SAD), that requires the design of development to take account of its context and surroundings.
11. In addition, the proposal fails to meet the requirements of Policy DW3 of the Designing Walsall Supplementary Planning Document 2013 regarding character; Policy DW4 concerning continuity, and Policy DW6 relating to legibility. There is also conflict with the provisions of section 12 of the National Planning Policy Framework (the Framework) relating to the creation of high

quality buildings and places, and the need for developments to be sympathetic to local character.

12. The Council's decision notice also refers to UDP Saved Policy ENV14, but that relates to derelict and previously developed sites and is not relevant to this proposal.

Living Conditions

13. The access drive would extend along the length of the reduced garden area of No 88 and would run parallel with the party boundary of No 90 Stonnall Road. In addition, there would be parking for a number of vehicles in front of the new dwelling.
14. Albeit the proposal is only for one dwelling, the occupiers of a four bedroomed house could have a number of vehicles with the potential for additional traffic from visitors. Given the close proximity of the driveway and proposed parking area to the rear gardens of Nos 88 and 90, I consider that the noise and disturbance arising from cars and other vehicles arriving and departing would be harmful to the residents of Nos 88 and 90 in the enjoyment of their gardens. As a result, the proposal would be harmful to the living conditions of the occupiers of these properties.
15. The appellant suggests that the existing landscaping along the driveway would mitigate the effects of noise and disturbance resulting from the vehicular movement associated with one dwelling. However, no landscaping is shown along the mutual boundary between the proposed driveway and the garden of No 88. Furthermore, many of the existing trees along the mutual boundary with No 90 are proposed to be removed to facilitate the scheme. In any event, I have not been provided with sufficient information to be satisfied that landscaping in this location would be sufficient to overcome the identified harm.
16. A 1.8 metre high brick wall and new boundary hedgerow is proposed on the front boundary of the proposed house which would prevent overlooking from the ground floor windows to the garden of No 88. However, direct overlooking from the first floor windows would result in a loss of privacy to the rear garden area of No 88.
17. I now turn to the effect of the proposal on the living conditions of occupiers of No 86a. The two storey section of the proposed house would be sited very close to the shared boundary with No 86a. Despite the presence of trees and shrubs in the garden of this neighbouring dwelling, the proposal would introduce a significant new built form in very close proximity to the rear garden of this property. The height of the new building to the ridge would significantly exceed the 1.8 metre fence and the new hedgerow along this boundary which are shown on the submitted plans.
18. Although the proposed house would be located close to the bottom of the garden of No 86a, its height and proximity to the boundary, together with the loss of trees which would take time to replace, would introduce an overly dominant and overbearing form of development when viewed from the rear garden of No 86a.
19. Having regard to the submitted evidence in the appellant's sun study, any overshadowing or loss of light to the garden of No 86a would be limited to the early morning and would affect the rear part of the garden only. As such, the

proposed development would not result in undue harm to living conditions in terms of overshadowing and loss of light but this factor does not overcome the harm I have identified above.

20. I conclude that the proposal would cause harm to the living conditions of the occupiers of Nos 90, 88 and 86a Stonnall Road with particular regard to noise, disturbance and outlook. The proposal would conflict with Saved Policy GP2 of the UDP, which relates to the avoidance of pollution of any form and the prevention of overlooking and loss of privacy, and BCCS Policy HOU2 regarding the need for new housing to minimise amenity impacts. There is further conflict with section 12 of the Framework which promotes a high standard of amenity for existing and future users of development.
21. In its decision notice, the Council has also referred to a number of other policies which are not directly applicable to this main issue. These are BCCS Policies ENV2 and ENV3, which are primarily concerned with character and high quality design; UDP Saved Policy ENV14, which relates to development of derelict and previously developed sites; Saved Policy ENV32 of the UDP, concerned with design quality, and Policy HC2 of the SAD which refers to development on previously developed land and design matters.

Other Matters

22. As part of a residential curtilage within a built up area, the site does not constitute previously developed land as defined in the Framework. However, I am not aware of any policies which resist development in gardens in this area. The site is located within an existing urban area and the proposed development would be accessible to local facilities, services and public transport. The proposal to provide an additional house would contribute towards identified local housing needs as identified in the BCCS. It would also make a modest contribution to the social and economic objectives set out in the Framework. However, these factors do not outweigh the environmental harm to the character and appearance of the area, or the harm to the living conditions of neighbouring occupiers.

Conclusion

23. For the reasons given, I conclude that the appeal should be dismissed.

R Morgan

INSPECTOR