
Appeal Decision

Site visit made on 18 August 2020

by R Cooper BSc (Hons) MCD MRTPI

an Inspector appointed by the Secretary of State

Decision date: 8 September 2020

Appeal Ref: APP/R1845/W/20/3248968

Land at 18 Chaddesley, Kidderminster

- 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 & Mrs Cain against the decision of Wyre Forest District Council.
 - The application Ref 19/0809/FULL, dated 26 November 2019, was refused by notice dated 13 February 2020.
 - The development proposed is the erection of a new dwelling.
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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; and highway safety.

Reasons

Character and Appearance

3. The appeal site forms part of 18 Chaddesley Road, which is a two storey detached period dwelling and associated large rear garden. The prevailing character and appearance of the area consists of a mix of detached, semi-detached two storey properties and bungalows. The buildings in the area mostly follow well-defined building lines, fronting directly onto the street and have substantial rear gardens, that provide a spacious appearance to the area.
4. The proposed dwelling would be positioned behind the building line, within the rear garden on No 18. As such, it would not follow the prevailing layout of development in the area and would significantly lessen the spacious appearance of the property and would result in a cramped appearance that would not be in keeping with the character and appearance of the area.
5. Whilst the proposed dwelling would be single storey, have a low roofline, and would be located at a lower ground level than No 18, this would not lessen the harm caused by the positioning of the building that would significantly reduce the garden length.
6. The appellants state that 1 metre would be left either side of the dwelling, and that the proposal meets the Council's design standards for private garden sizes, although I have not been provided any relevant adopted design

guidance. In any event, for the reasons given above the dwelling would not be in keeping with the prevailing pattern of surrounding development.

7. I note that the adjacent bungalow is set back from the road, however this is different to the appeal proposal as it fronts directly onto the street. Whilst I accept there are a mix of building styles within the immediate area, including bungalows, the location of the proposed dwelling would not respect the established building lines.
8. Consequently, the proposed dwelling would harm the character and appearance of the area. It would not accord, with Policies CP11, Wyre Forest District Core Strategy (2010), and Policy SAL.UP7 of the Wyre Forest District Site Allocations and Policies Local Plan (2013). These seek to ensure quality of design in new development, that has regard to local distinctiveness, and amongst other things, maximises the use of the street frontage and have regard to the common building line, and historic street pattern. It would also be inconsistent with paragraph 127 of the Framework, which seeks to ensure that the form, scale and layout of development respects the character of the area.

Highway Safety

9. The proposal is to utilise a shared access off Chaddesley Road with the existing dwelling at No 18. Chaddesley Road is a residential street, the carriageway is wide enough for two vehicles to pass each other, and a footway runs across the front of the appeal site.
10. The reason for refusal in respect to highway safety refers to insufficient information to demonstrate that there would be sufficient vehicular access, manoeuvring space and visibility for the existing and proposed dwelling. I have read the Council's evidence on this matter in the context of the Highway Authority's comments.
11. I note that the appellants propose to reposition the existing vehicular access, by setting the gates back into the site and providing an improved visibility splay. This would improve inter-visibility with pedestrians on the footway and oncoming traffic. This would be an improvement on the current access arrangements and given the limited number of additional vehicles that would be associated with one new dwelling, it would not result in unacceptable highway safety conditions. Whilst I note the Highway Authorities concerns with regards to the dimensions, in my view a planning condition would ensure that such works meet the relevant standards.
12. Parking for the existing dwelling would be retained broadly in its current position, and the proposal includes two off street parking spaces for the proposed new dwelling. Whilst the submitted plans may not be annotated with specific dimensions, it is annotated as being at a 1:500 scale, and I have no reason to conclude that this is incorrect. Based on the submitted plans there appears to be sufficient space for vehicles to access the site, park, manoeuvre and turn so as to exit onto Chaddesley Road in a forward gear.
13. I conclude that the proposed development would not cause harm to highway safety. The proposed development accords with Policy CP03 of the Wyre Forest District Core Strategy (2010), and Policies SAL.CC1 and SAL.CC2 of the Wyre Forest District Site Allocations and Policies Local Plan (2013), and paragraph 109 of The Framework which collectively seek to ensure that new development

provides adequate parking and visibility for vehicles turning into and out of the site, and not have an unacceptable impact on highway safety.

Other Matters

14. I note that the Council consider that they can demonstrate a 5 year supply of deliverable housing sites. Based on the evidence before me I have no good reasons to conclude otherwise, and this does not affect my findings.
15. The appellants consider the proposal to meet the Council's standards for privacy distances, would not cause overlooking. The Council have not raised concerns in relation to this matter, and I have no reason to conclude otherwise.
16. I note the appellants concerns in relation to their attempts of communication with the Council. However, this is a matter between the parties, which does not affect the planning merits of the development upon which I have determined the appeal.
17. I have been provided several location plans, relation to other sites, which the appellants claim have been granted planning permission by the Council for similar developments to the appeal proposal. However, I am not aware of the circumstances in each of those cases, and in any event, I must consider the appeal scheme on its own merits. The existence of these other planning permission does not justify the harm I have identified.
18. I have taken into account the concerns raised by local residents with regards to loss of a tree, noise and disturbance, loss of light to neighbouring gardens, light pollution, foul drainage and security. However, these are matters that do not affect my findings on the main issues.

Conclusion

19. Although I have found no harm from the proposal to highway safety, I have found there would be harm to the character and appearance of the area. This is the determinative matter. Therefore, having had regard to all matters raised, I conclude that the appeal should be dismissed.

R Cooper

INSPECTOR