



Appeal Decision

Site visit made on 8 September 2020 by S Watson BA(Hons) MSc MRTPI

Decision by R C Kirby BA(Hons) DipTP MRTPI

An Inspector appointed by the Secretary of State

Decision date: 13 October 2020

Appeal Ref: APP/V4630/W/20/3254289

3 Yew Tree Road, Sheffield WS4 1RG

- 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 Neil Collett against the decision of Walsall Metropolitan Borough Council.
 - The application Ref 20/0166, dated 9 February 2020, was refused by notice dated 29 April 2020.
 - The development proposed is a new building 3 bedroom dwelling.
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Decision

1. The appeal is dismissed.

Appeal Procedure

2. The site visit was carried out 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 appellant has requested that I consider drawings that were not before the Council when it made its decision. These drawings show a proposed car parking layout and the internal accommodation of No 1 Yew Tree Road. The Council makes reference to these drawings in its statement and I am satisfied that they do not change the proposal to the degree that my consideration of them would prejudice those who should have been consulted of the change. Accordingly, I have assessed the proposal on the basis of the drawings that the Council determined the application on, and the additional ones submitted with this appeal.

Main Issues

4. The main issues in this case are the effect of the proposal on the character and appearance of Yew Tree Road; and, the effect upon the living conditions of the intended future occupiers of the new dwelling in terms of privacy and those of the occupiers of No 1 Yew Tree Road in terms of amenity space, privacy and noise.

Reasons for the Recommendation

Character and appearance

5. The appeal site forms a corner plot between Yew Tree Road and a roundabout which links on to Oak Road. The site contains a semi-detached two-storey dwelling (No 1) within a spacious plot, which has been bisected by a tall fence. The surrounding street scene is characterised primarily by rows of uniform semi-detached dwellings set in long plots with regular spacings between. The host dwelling and its attached neighbour do not have long linear plots but are nevertheless set spaciouly due to their side gardens.
6. The proposed detached dwelling would continue the linear row of development along Yew Tree Road, following the building line. In a general sense it's design would also reflect the design cues from the surrounding area.
7. Nevertheless, the relationship of the new dwelling to No 3 and the limited spacing that would result between No 1 would be significantly at odds with the established pattern of development nearby. The new dwelling would appear cramped in relationship to it neighbours and would harm the character and appearance of the area.
8. Although the gardens of the proposed dwelling and No 1 would be awkwardly separated, I find that this would be following an existing fence across the site. The garden of the proposed dwelling, while shorter than those gardens in the surrounding area, would be generally sympathetic to their linear and long nature.
9. However, the short rear garden that would remain at No 1 would not reflect the rear private amenity areas of nearby properties. Whilst not visible from the street scene, the small garden area would be apparent from the rear of nearby properties. From these views No 1 would appear cramped within its plot and would be likely to reduce the appreciation of nearby occupiers of the otherwise largely open rear garden environment that exists locally.
10. In light of the above I find that the proposed dwelling, by way of its closeness to its neighbours would harm the character and appearance of Yew Tree Road in conflict with Policies GP2 and ENV32 of the Unitary Development Plan (UDP), Policy ENV3 of the Black Country Core Strategy (BCCS) and the guidance contained within section DW3 of the Designing Walsall supplementary planning document (SPD). Collectively these policies and guidance seek for development to be of a high-quality design which is appropriate for its setting. The proposal would also conflict with Paragraph 127 of the National Planning Policy Framework (the Framework) which requires development to be visually attractive and sympathetic to the local character.

Living Conditions

Intended Future Occupiers

11. No 1 has three windows on the rear elevation which would face the rear garden of the proposed dwelling. The appellant has submitted plans of No 1 which shows the window on the ground floor serves a kitchen, while on the first floor the two windows serve a bedroom and a bathroom. The bathroom window is obscure glazed.

12. During my visit I noted that both of the clear glazed windows were visible from the proposed rear garden area albeit separated from the garden by a tall solid fence. Given their close proximity to the boundary and views over it, I find that these windows would cause an unacceptable degree of overlooking to the rear private garden of the proposed dwelling. As a result, there would be very little useable space provided to the proposed dwelling where the intended future occupiers would not be, or feel, overlooked.
13. While the garden proposed for the new dwelling would be larger than that retained at No 1, it would still fall short of the Council's standards. However, the proposed garden would provide sufficient space for play equipment, a sitting out area and storage buildings which are normally associated with a family sized dwelling such as this. However, although the size of the amenity space for the proposed dwelling would be sufficient to meet the needs of a family, given its overlooked nature it would not be a pleasant, nor private, place for future occupiers.
14. The windows in the side elevation would face towards the side of the new dwelling and would be unlikely to result in a loss of privacy to the intended future occupiers, given that there are no windows on this elevation. The lack of harm in this regard does not however offset the identified harm above.
15. In conclusion the proposed dwelling would not provide a suitable level of accommodation for future occupiers and as such would be contrary to paragraph 127 f) of the Framework which expects development to provide a high standard of amenity for existing and future users. Although the Council have referred to Policy GP2 of the UDP I find this is not directly relevant to the matter before me as the policy refers only to nearby properties and not proposed dwellings and their intended future occupiers.

No 1

16. The proposed dwelling would have two first floor windows serving the rear elevation. The window closest to No 1 would serve a bathroom, and a condition could require it to be permanently obscure glazed. As a result of the acute angle from these windows, and how close the boundary would be to the rear of No 1, I find that there would be no unacceptable loss of privacy to the occupiers of No 1.
17. The rear garden serving No 1 would not meet the requirements set out in SPD as it would be considerably smaller than the required 68m². However, the deficiency is likely to be met by the front garden area which, by virtue of the tall boundary treatment, is private. Although there would be some overlooking towards No 3 this would only be to a level typical of neighbouring properties in a linear row. As a result, I find that there would be no unacceptable level of overlooking or loss of privacy for neighbouring occupiers as a result of views from the proposed dwelling.
18. As the proposal would result in a new dwelling, it is likely that there would be some increase in noise and other disturbances. However, given it is a residential dwelling the level of noise would likely be commensurate to its surroundings, and should to be expected within a residential area. Given the above I find the proposal would not result in an unacceptable level of disturbance from noise to the degree that would result in harm to the living conditions of nearby occupiers.

19. In light of the above I conclude that the living conditions of the occupiers of No 1 would not be adversely affected by the proposal. There would be no conflict with the aims of UDP Policy GP2 which expects development to not result in overlooking or a loss of privacy. Moreover, there would be no conflict with paragraph 127 f) of the Framework.

Other Matters

20. The proposed dwelling would likely result in some benefits to the local economy through the associated construction works, and the subsequent occupiers would be likely to support the local community both financially and socially. Nevertheless, such benefits would be unlikely to be discernible given the quantum of development proposed in this case.

Recommendation

21. The contribution that the proposal makes to the delivery of housing in this sustainable location, along with the likely economic and social benefits that would result would be limited and do not outweigh the identified harm and the conflict with the development plan.
22. For the reasons given above I recommend that the appeal should be dismissed.

S Watson

APPEAL PLANNING OFFICER

Inspector's Decision

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

RC Kirby

INSPECTOR