

Appeal Decision

Site visit made on 8 October 2020

by Jameson Bridgwater PGDipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 2 November 2020

Appeal Ref: APP/R1845/W/20/3256522

119 Kidderminster Road, Bewdley

- 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 R Round against the decision of Wyre Forest District Council.
 - The application Ref 19/0476/FULL, dated 17 July 2019, was refused by notice dated 25 June 2020.
 - The development proposed is described as 'proposed 3 bed dwelling'.
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Decision

1. The appeal is dismissed.

Main issues

2. The main issues in the appeal are:
 - the effect of the proposal on the character and appearance of the area; and
 - the effect of the proposal on the living conditions of the occupiers of No 119 Kidderminster Road (No 119), with particular regard to outlook and garden space.

Reasons

3. The appeal site consists of garden land, that is located between Kidderminster Road and Habberley Road in the eastern part of Bewdley an established residential area of the town. The site consists of a parking area and open grassed area, with established boundary landscaping. Existing residential properties surround the site. The development proposed is a single detached two storey, three-bedroom dwelling. Vehicular access into the site would be from Habberley Road, with a parking and turning area created to the rear of the dwelling.

Planning policy

4. Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires decisions to be made in accordance with the development plan unless material considerations indicate otherwise. The Development Plan comprises the Wyre Forest District Local Development Framework (CS) and the Wyre Forest District Site Allocations and Policies Local Plan (SAP).
 5. Policy DS01 of the CS sets out the Council's strategy for locating new housing, employment and commercial development within the District. Further it states that new development will be concentrated on brownfield sites. Policy DS04 of
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the CS seeks amongst other things to provide balanced growth to address local needs in the District's rural areas. Policy SAL.DPL1 of the SAP seeks amongst other things to direct new housing to existing residential areas where the principle of further residential development on previously developed land (as defined in NPPF Annex 2 and thus excluding garden land) is considered to be acceptable. Policy SAL.DPL2 of the SAP is a criteria-based policy which sets out the circumstances under which new residential development will be permitted within the District's rural areas. The policy allows for exceptions stating planning permission may be granted for schemes which are designed to meet an identified specific affordable or local housing need on small sites adjoining Bewdley.

6. The National Planning Policy Framework (The Framework) defines previously developed land as land which is or was occupied by a permanent structure, including the curtilage of the developed land (although it should not be assumed that the whole of the curtilage should be developed) and any associated fixed surface infrastructure. However, it excludes amongst other things; land in built-up areas such as residential gardens, parks, recreation grounds and allotments; and land that was previously developed but where the remains of the permanent structure or fixed surface structure have blended into the landscape.
7. I accept the appellant's argument that the appeal site is reasonably located in terms of access to facilities and services. However, there is no substantive or technical evidence that demonstrates that the appeal site should be considered as previously developed land or that the proposal would address an identified specific affordable or local housing need. Therefore, it follows that the proposal would conflict with Policies DS01 and DS04 of the CS and Policies SAL.DPL1 and SAL.DPL2 of the SAP.

Character and appearance

8. I accept that the design, layout and siting of the proposed dwelling have been intended to reflect the prevailing architectural form/fenestration and seeks to minimise the effect of the proposal on No 119. However, the proposal would be situated in a gap that provides clear visual punctuation in the street scene. The absence of development on the appeal site ensures that there is a degree of separation between the properties that architecturally signpost the junction of Kidderminster Road and Habberley Road from the well-defined frontages of Kidderminster Road. Therefore, the gap and the strong building line on Kidderminster Road are component parts of the character and appearance of the area. The introduction of a two-storey dwelling forward of the established building line would significantly erode the visual gap, resulting in a scheme that would appear cramped and incongruous to the detriment of the character and appearance of the area.
9. Having reached the conclusion above the proposal would result in material harm to the character and appearance of the area and would conflict with Policy CP11 of the CS and Policy SAL.UP7 of the SAP. These seek amongst other things to ensure that new development should integrate well within the existing street scene.

Living conditions

10. I have carefully considered the appellant's representations noting the limited potential field of vision from the ground floor side facing kitchen window of No 119 and the approximate 10m separation distance. However, the scale of the two-storey dwelling by way of its width and height, in relation to the shared boundary would be overbearing. Moreover, I have considered the potential to reduce the impact of the proposal through the proposed boundary treatment and landscaping. However, this would not adequately mitigate scale and proximity of the proposal to No 119. Consequently, the proposal would result in material harm to the outlook of occupiers of No 119.
11. I have noted the Council's concerns in relation to the reduction in garden space. However, the garden area of No 119 although reduced would still provide adequate and useable amenity space.
12. Having come to the conclusions above, it follows that the proposal would result in material harm to the living conditions of occupiers of No 119. As such, the proposal would conflict with Policy CP11 of the CS and Policy SAL.UP7 of the SAP, that seek amongst other things to ensure that new buildings need to be well-designed to complement the layout through the appropriate use of scale, mass/proportions and do not represent over-development of the site.

Other matters

13. The appellant has referred to a number of other planning decisions made by the Council and cite these as setting a precedent for their case. However, I have limited information about their histories, but inevitably their contexts would differ to that of the scheme before me, and so they do not lead me to a different view in this case.
14. There is no dispute between the parties that a 5-year supply of housing land for this area has been evidenced by the Council. Notwithstanding this, even if there was a recognised shortfall in housing land supply, the single dwelling proposed would have a negligible impact on it.

Planning balance and conclusion

15. In conclusion, the proposed dwelling would make a limited contribution to the overall supply of housing. In acknowledging this benefit, I do not consider that this would outweigh the harm identified to both the character and appearance of the area and living conditions, nor does it provide an adequate justification for reducing the weight that should be given to Policies DS01 and DS04 of the CS and Policies SAL.DPL1 and SAL.DPL2 of the SAP. To do so would allow residential development without regard to the quantified need for it and would be in direct conflict with the core planning principle of the Framework that planning should genuinely be plan-led.
16. For the above reasons and having regard to all other matters, I conclude that the appeal should be dismissed.

Jameson Bridgwater

INSPECTOR