



Appeal Decision

Site Visit made on 13 October 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 November 2020

Appeal Ref: APP/Z3445/W/20/3254984

104 Argyle Street, Glascote, Tamworth, B77 3EN

- 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 Eddie Short against the decision of Tamworth Borough Council.
 - The application Ref 0040/2020, dated 13 February 2020, was refused by notice dated 8 April 2020.
 - The development proposed is to erect a new attached 3 bedroom house to No 104, Also, first and ground floor rear extensions to No 104 (existing old conservatory demolished).
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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.

Main Issues

3. The proposal includes extensions to the host property. The council has raised no concern about this part of the proposal, and I have no reason to find differently. Accordingly, the main issues in this case are the effect of the new dwelling on:
 - The character and appearance of the site and surrounding area;
 - The living conditions of the neighbouring occupiers, with regards to noise, and the quality of living conditions provided for the intended future occupiers of the new dwelling with regard to private amenity space; and,
 - Parking provision and highway safety.

Reasons for the Recommendation

Character and Appearance

4. The appeal site fronts on to the east side of Argyle Street at the junction with Warwick Road. The site contains a semi-detached two-storey dwelling with a sizeable garden which wraps around the front, side and rear. At the bottom of the garden is a single garage and driveway which access to Warwick Road. The surrounding area, including Warwick Road, is characterised on the most part by

largely uniform dwellings. However, on the opposite side of Argyle Street the houses are somewhat different and have hipped roofs. Notwithstanding the varied boundary treatments, the street corners around the site are open and spacious.

5. The proposed dwelling would build out across the open area of side garden at the junction between Argyle Street and Warwick Road. Given its location it would be a prominent and intrusive feature within the street scene. Moreover, by way of its height, scale and siting the proposal would harm the open and spacious character of the street scene. The harm would be most pronounced in views along Warwick Road towards Argyle Street where the loss of openness would also unbalance the visual appearance of the junction. Furthermore, as a result of its siting the proposed dwelling would break the building line formed by the dwellings on Warwick Road which are in line with the side elevation of the existing appeal dwelling. In all the dwelling would be a prominent and intrusive feature which would not respect the open and spacious qualities of the street scenes along Argyle Street and Warwick Road and the junction between them.
6. I note that the appellant has raised examples of two-storey side extensions in the surrounding area, including at the opposite end of the row to the appeal site. However, none of the circumstances of the surrounding examples were similar to the proposal before me. Notably the grain of development, and street layout surrounding the example at the other end of the row were markedly different to the appeal site. Nevertheless, all proposals must be considered on their own merit. Moreover, while I note the materials would be in keeping with the host dwelling, this would not be sufficient to outweigh the identified harm.
7. In conclusion the proposed dwelling would be an incongruous and dominant feature that would harm the character and appearance of the appeal site and surrounding area. It would therefore be contrary to Policy EN5 of the Tamworth Borough Council Local Plan (LP) which expects development to respect and, where appropriate, reflect and be sympathetic to the existing characteristics of the area. The proposal would also conflict with the high-quality design guidance set out within the Tamworth Design Guidance supplementary planning document (SPD).

Living Conditions

8. The appeal site is located within a predominantly residential area. Given the likely use of the new dwelling and its external space any noise generated would in all probability be of a level similar to nearby residential uses. The building would be likely to be constructed in accordance with the Building Regulations and the appellant has indicated that the party wall would be insulated to a standard which exceeds Part E of these Regulations. As a result, and in the absence of substantive evidence to demonstrate otherwise, I find that it would be unlikely that noise generated by occupiers of the new dwelling would reduce the quality of the living conditions of neighbouring occupiers.
9. The garden proposed at the new dwelling would fall short of the Council's standards, however the shortfall would be relatively small and the size of the garden proposed would still be large enough to provide a suitable level of space for play equipment, a sitting out area and storage buildings, which are normally associated with a family sized dwelling such as this.

10. In all, the living conditions of neighbouring occupiers would be maintained, and the occupiers of the proposed dwelling would be provided with sufficient private amenity space. The proposal would therefore comply with LP Policy EN5 that requires development to, amongst other matters, seeks to prevent environmental impacts to neighbouring occupiers. As such it would also comply with the design guidance of the SPD and paragraph 127 f) of the National Planning Policy Framework which requires that places are created with a high standard of amenity for existing and future users.

Highway Safety

11. The Council's adopted standards for 2 and 3 bed dwellings is 2 spaces per dwelling. The existing dwelling currently has a driveway and garage to the rear forming a pair of tandem parking spaces, which the new dwelling would use for parking. Whilst noting the concern raised about the use of the garage and the width of the parking space, it is clear that this situation has been suitable for the existing property. Given that the new dwelling would be unlikely to result in vehicle movements over and above the existing situation, I find that the parking arrangement proposed for it would be acceptable and would be unlikely to result in harm to highway safety.
12. The existing property would have off street parking within its front garden. The submitted drawings indicate that these spaces would be 4.8m x 2.4m, which accords with the minimum size for a standard car parking space as set out within Appendix C of the LP. I note the concern raised that the space adjoining the party boundary should be widened to allow for vehicle doors to open and in respect of the length of the space being shorter than that indicated by the appellant. However, whilst acknowledging that the parking spaces would cover most of the front garden of No 104, there would be scope to widen the parking space and a condition could be imposed controlling the size of the parking spaces in the event that the appeal was allowed.
13. However, vehicles using the parking area to the front of No 104 would be unable to turn within the site. Accordingly, there would be high probability that vehicles would either reverse into the parking space or reverse out of it at a point in the highway where vehicles may be pulling out of the junctions of Barlow Close and Warwick Road with Argyle Street. Vehicles manoeuvring in the road so close to nearby junctions would be likely to result in sudden braking of vehicles using the highway which would be harmful to safety.
14. In light of the foregoing, I conclude that the proposal would be unlikely to result in on-street car parking because space would be provided for off-road for each of the dwellings. However, the use of the spaces to the front of No 104 would be likely to result in harm to highway safety and would be contrary to Policies EN5 and SU2 of the LP which require development to maintain adequate highway safety.

Recommendation

15. For the reasons given above I recommend that the appeal should be dismissed.

S Watson

APPEAL PLANNING OFFICER

Inspector's Decision

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

R C Kirby

INSPECTOR