



Appeal Decision

Site Visit made on 10 November 2020

by Mr Stuart Willis MSc, BA (Hons), PGCE, MRTPI

an Inspector appointed by the Secretary of State

Decision date: 02 December 2020

Appeal Ref: APP/P1805/D/20/3260953

32 Fiery Hill Road, Barnt Green, B45 8LG

- 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 Mrs Ranbir Rai-Watson against the decision of Bromsgrove District Council.
 - The application Ref 20/00228/FUL, dated 12 February 2020, was refused by notice dated 14 July 2020.
 - The development proposed is detached garage.
-

Decision

1. The appeal is allowed, and planning permission is granted for a detached garage at 32 Fiery Hill Road, Barnt Green, B45 8LG in accordance with the terms of the application, Ref 20/00228/FUL, dated 12 February 2020, subject to the conditions in the schedule below.

Preliminary Matters

2. The application form indicates that works had not started when the application was made. While I saw some excavation had taken place at the site, I cannot be sure that the works accord with the appeal scheme. Therefore, I have dealt with the appeal as a proposed development as shown on the plans.

Main Issue

3. The main issue of the appeal is whether the proposed development would preserve or enhance the character or appearance of the Barnt Green Conservation Area (CA).

Reasons

4. The appeal site is located within the CA. As such I have had regard to the duty to pay special attention to the desirability of preserving or enhancing its character or appearance.
5. From my observations, and the evidence before me, the significance of the CA lies, in part, in the large spacious residential layout and verdant streetscene. The variation in the style of the built form relates to the different stages of development in the area.
6. There is a verdant streetscene along Fiery Road. However, there are views over and through the vegetation of the often-large properties within the plots. While the proposed garage would bring the built form closer to the side boundary of the site, it would not fill the whole of the plot width. It would be set in a comparable distance from Hewell Lane as the adjacent property on that road.

Moreover, it would be set back from the front building line. A large area of outdoor space would remain, and the garage would be set in from the plot boundaries. This would prevent the site from appearing cramped.

7. While elevated from Hewell Lane, the garage would be lower than Fiery Hill Road and partly screened by the landscaping within the appeal site, adjacent plot and on the street. A condition is imposed requiring details of features at the site and their protection to retain the verdant appearance of the area. The garage would be viewed with or against the backdrop of the far larger dwelling at the appeal site with a similarly large roof. Therefore, it would not be overly prominent in the streetscene.
8. A condition is imposed regarding external materials which are indicated to be reflective of the dwelling. The scale of the dwelling and others nearby mean that the size of the garage would not appear overly large.
9. Consequently, the proposal would not harm the character or appearance of the CA. It would accord with Policies BDP19 and BDP20 of the Bromsgrove District Plan, where they seek to ensure developments are of high quality design, complement local character, and sustain and enhance the significance of heritage assets.
10. Furthermore, the development would meet the requirements of Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 and the National Planning Policy Framework in relation to heritage assets.

Other Matters

11. Matters associated with works and notifications for previous proposals at the site do not alter my findings on the main issue. Given the scale of this proposal the construction period is likely to be short lived. Whether fencing at the site requires planning permission is separate to the considerations of this appeal.

Conditions

12. In addition to the standard time limit condition, I have imposed one requiring that the development is carried out in accordance with the approved plans. This is to provide certainty. To protect the character and appearance of the area a condition is imposed regarding the protection of landscape features, levels and materials. These details are required prior to the commencement of the development as they would have implications at its early stages. As there has been no clear justification provided to support removing permitted development rights, I have not imposed such a condition.

Conclusion

13. For the reasons given I conclude that the appeal should be allowed.

Mr Stuart Willis MSc, BA (Hons), PGCE, MRTPI

INSPECTOR

Schedule of Conditions

- 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans: AMND3 Proposed Plans and Elevations 1:100; AMND3 Site Plan 1:200; and Location Plan 1:1250.
- 3) No development shall commence until there shall have been submitted to and approved in writing by the local planning authority a scheme of hard and soft landscaping. The scheme shall include:
 - an Arboricultural Survey, Impact Assessment and Method Statement indicating all existing trees and hedgerows on the land, identify those to be retained and set out measures for their protection throughout the course of development;
 - details of earthworks showing existing and proposed finished levels or contours;
 - details/samples of the external materials to be used in the construction of the garage;
 - hard surfacing materials; and
 - an implementation programme.

The scheme shall be implemented as agreed. Any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.