



Appeal Decision

Site Visit made on 2 December 2020

by R Hitchcock BSc(Hons) DipCD MRTPI

an Inspector appointed by the Secretary of State

Decision date: 11 December 2020

Appeal Ref: APP/P1805/W/20/3248869

1 Alexander Close, Catshill, Bromsgrove, B61 0PF

- 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 Andrew Tully against the decision of Bromsgrove District Council.
 - The application Ref 19/01487/FUL, dated 12 November 2019, was refused by notice dated 30 January 2020.
 - The development proposed is the separation of the existing plot currently known as No.1 Alexander Close and the development of a proposed 2 storey 3 bedroomed dwelling on the separated side plot.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The description in the banner heading above is taken from the application form. This is different to the description appearing on the Council's decision notice; however, it provides an accurate description of the proposed development and is therefore retained for the purposes of this appeal.
3. During the course of the Council's consideration of the planning application a revised proposed site plan (Drawing No201 issue B) was submitted by the appellant. This was a plan on which the Council made its decision. I have therefore taken it into account in the determination of this appeal.

Main Issues

4. The main issues are the effect of the development on:
 - the character and appearance of the locality, and
 - the living conditions of nearby and prospective occupiers.

Reasons

Character and Appearance

5. The site lies within a planned residential estate of mainly two-storey semi-detached dwellings set behind front gardens and providing private amenity space to the rear. The design of properties in the locality is limited to a small number of dwelling types which, although they show some variation in their roof forms, arrangement of openings, and main entrance positions, have a

consistency in their proportioning, scale and materials. This provides a strong identity to the locality.

6. Alexander Close is one of two cul-de-sacs that run off Churchill Road. The corner plots about the junctions have consistently designed semi units angled to the corners such that they benefit from deeper front gardens and wider side gaps to the neighbouring properties on the respective frontages. This provides a sense of spaciousness at the junctions and between the properties at the entrance to each cul-de-sac. This arrangement contributes positively to the character of the area.
7. The proposal would subdivide the existing garden area to create an additional plot for a new detached two storey dwelling. The site benefits from a larger area of space about the building than most on account of its corner location. However, at the time of my site inspection it was notable that what is gained to the front and side in terms of semi-private garden space is at the cost of space behind the rear elevation of the existing dwelling when compared to other plots in the locality.
8. The siting of the proposed dwelling would close down the spaciousness between the corner plot and adjacent dwelling at 3 Alexander Close. Whilst the frontages of the resultant plots would remain free from built development, the attendant requirement to provide additional parking across the frontage would further erode the open character and setting of the consistent corner plots. Although the subdivision of the plot would retain frontages that are wider than most nearby, the ground area of the subsequent plots would be significantly smaller than the typical plot size in the locality. The resultant limited extent of rear amenity space would contrast sharply with the more generous private spaces enjoyed by nearby properties.
9. Moreover, the proposed dwelling would be detached, have a narrower width and depth with a lower roof pitch and ridge height. Although the use of matching materials would partly assimilate the proposal, it would be conspicuous by its contrasting proportions and design amongst the consistent attributes of the surrounding development. This would be emphasised by the proposed position forward of the flanking properties such that it would appear prominent on entry to the cul-de-sac and in views along it.
10. In support of the proposal the appellant has directed me to a planning permission for a bungalow approved in the rear garden of another property on Alexander Close and a large extension to a corner property on the opposite corner. The approval for a bungalow building would be at odds with the design of development in the locality, however, it would front on to another cul-de-sac and would not be visible in context of development on the Close. The side extension nearby is distinct from the proposal for a new dwelling. It incorporates reduced height elements and design characteristics that contrast to the original building and is therefore conspicuous by its design and prominent position on Churchill Road. Whilst I acknowledge that this has reduced the space about that building, it does not persuade me to alter my findings in the case before me, a case I have considered on its own merits.
11. For the above reasons, I find that the proposal would contrast with the consistent scale and form of development in the locality and result in uncharacteristically small plots that would be at odds with the grain and pattern of development in the locality. It would conflict with Policies BDP7 and

BDP19 of the Bromsgrove District Plan 2011-2030 [2017] (DP) as they seek to ensure that development enhances the character and distinctiveness of the local area.

Living Conditions

12. The subdivision of the plots would provide limited amounts of private amenity space to the rear of the individual plots. Due to the converging alignment of the rear elevations and close position of the proposed common boundary, the amenity space for the new dwelling would be overlooked at close quarters from the existing first floor windows to the rear of No1. Although some sideways views are generally afforded from side-by-side development the degree of overlooking of the private amenity space would be to a significantly greater extent than that arising from the current arrangement of development about the estate. The proposal would therefore provide a low standard of accommodation for prospective occupiers through the substantial absence of usable private outdoor amenity space.
13. According to the Council, the proposed siting of the dwelling lies about 4.5m from the side elevation of 3 Alexander Close, which is separated from the plot by a high hedge shown for retention on the proposed site plan. The ground floor kitchen window of No3 is located in the rearward half of the side elevation addressing the common boundary. The orientation is such that the window benefits from direct sunlight and good levels of natural daylight.
14. Due to its two storey nature the development would be clearly visible over the boundary hedge in the outlook from the side window, however, for the most part, the building would be offset such that some sky views from the side window would be retained. Furthermore, this arrangement would reflect that of the dwellings along the straight section of the Close which feature similar side openings with partially obscured outlook and neighbouring buildings at a distance comparable to that proposed.
15. Whilst this would have some adverse impact to the existing standard of living conditions experienced by the occupier/s of No3, in the context of the local arrangement of development this would not, in itself justify a refusal of planning permission or be so serious as to result in a poor quality of living conditions with respect to outlook, sunlight and daylight.
16. Although I have found in favour of the appellant in regard to the effect of the proposal on neighbouring living conditions in terms of outlook and light this would not outweigh the harm in respect of the substantial absence of private amenity space for prospective occupiers of the development. For the above reasons, I find that the proposal would provide a substandard quality of living accommodation for future occupiers that would conflict with Policy BDP1 of the DP as it seeks to achieve compatible forms of development and have regard to impacts on residential amenity.

Other considerations

17. There is no dispute between the main parties that the Council cannot demonstrate a five year supply of deliverable housing sites; the appellant describes delivery is as 'significantly less' than the annual requirement. Consequently, because of the provisions of footnote 7, paragraph 11 d) ii of the National Planning Policy Framework (the Framework) should be applied and

consideration must be had as to whether the adverse impacts of granting permission would significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework taken as a whole.

18. As set out above, I have found harm to the character and appearance of the area and to the standard of living conditions that would be provided for occupiers of the proposed development. The Council's policies with respect to well-designed and distinctive places, including high standards of amenity for future users are consistent with the Framework. Therefore, given that buildings are designed to last for tens of years, the identified harm should be given significant weight in this appeal.
19. In support of the appeal the appellant indicates that the proposal will contribute to the housing mix and supply across the plan area and it would increase the amount of development on the site and meet an identified housing need. This could deliver social and economic benefits to the locality.
20. However, the addition of a single unit would make little difference in the overall supply of housing or housing mix. The support one extra household would provide to the local economy through construction and occupation would not be significant and these are therefore matters of limited weight.
21. The intensified use of the land would make an effective use of the site; however, this would be at the cost of commensurate private outdoor amenity space and storage opportunities for use in conjunction with the occupation of 1 Alexander Close. It is therefore also a matter of limited weight.
22. The proposal would be sited close to local services and public transport access and is a benefit of the scheme attracting moderate weight. Although it is recognised that small sites have a capability to deliver contributions to housing delivery in a relatively quick timeframe, there is little evidence before me to suggest that would be applicable in this instance. It is therefore a matter to which I attribute limited weight.
23. Set against the identified harm, the benefits associated with a single dwelling would be limited even taking account of the objective of boosting significantly the supply of housing in the Framework and given the Council's housing land supply and delivery position. Consequently, the adverse impacts on the living conditions of future occupiers and the harm to the character and appearance of the locality would significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework taken as a whole. As a result, the presumption in favour of sustainable development does not apply.

Conclusion

24. For the above reasons, I conclude that the proposal would conflict with the development plan as a whole and there are no other considerations, including the provisions of the Framework, which outweigh this finding. Therefore, the appeal should be dismissed.

R Hitchcock

INSPECTOR