



Appeal Decision

Site visit made on 30 November 2020

by Ben Plenty BSc (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 17th December 2020

Appeal Ref: APP/Z3445/W/20/3258196

106 Sheepcote Lane, Amington, Tamworth B77 3JN

- 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 Joanna Stoker against the decision of Tamworth Borough Council.
 - The application Ref 0158/2020, dated 29 May 2020, was refused by notice dated 22 July 2020.
 - The development proposed is erection of two dwellings (C3) to the rear of 106 Sheepcote Lane, creation of new access and associated parking and landscaping.
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Decision

1. The appeal is dismissed.

Procedural matters

2. The application form does not disclose the appellant's name. However, the appeal form, and a confirming email has now established a consistent name. I have adjusted the banner heading accordingly.

Main Issues

3. The main issues are:
 - the effect of the proposed development on the character and appearance of the area; and
 - the effect of the proposal on the living conditions of adjacent occupiers, especially 106 Sheepcote Lane (No 106) with particular regard to the effect on outlook.

Reasons

Character and appearance

4. Sheepcote Lane is a suburban street. It is on a slight gradient with the street sloping uphill from north to south. The street largely consists of dwellings that are set back from the highway with landscaped front gardens. This combined with the tree lined street creates a strong verdant character. The local built form has a generally constant linear pattern of development. The majority consisting of two-storey detached and semi-detached properties. The site is substantially wider than local plots. Nevertheless, the plot shares a common rear boundary line to neighbouring plots. The site is higher than neighbouring gardens to the north due to the rising topography. There is limited planting in

the rear garden and on the side boundary of the site. There is also limited tree screening within neighbouring gardens, especially to the north. This creates a strong sense of spaciousness. Furthermore, the rear playing fields of the education facility to the rear of the site adds further to this sense of openness. Accordingly, views from the site provide wide and distant views over neighbouring gardens and the wider area. The site therefore makes a positive contribution towards the open and spacious character of the surrounding area.

5. The proposal would introduce two chalet style bungalows to the rear area of the existing garden. Being on higher land and set back from the established line of development these would appear as overt intrusions, at odds with the established character. Furthermore, by containing two levels of accommodation the roof would be a tall and bulky feature. This would emphasise the overall impact of the proposal on the local character. The dwellings would therefore not relate well to No 106 or the local pattern of development.
6. Longlands Drive, to the south of the site, is of a different character to the appeal site and its context. It is higher density but nevertheless maintains a clear linear pattern of development with dwellings relating well to each other in a regimented configuration. The National Planning Policy Framework (The Framework) seeks development to make efficient use of land and encourages the use of previously developed land (PDL). The site is within an urban area where density could be increased in principle. However, the Framework also requires development to maintain an area's prevailing character and setting (including residential gardens). Furthermore, the site is not PDL as the Framework excludes gardens in built-up areas, such as in this case, from this definition.
7. The proposed materials and connected garage would match the style of nearby dwellings. However, the proposal would not relate well to the bungalow on the frontage. The positioning of the proposal would place the dwellings in a remote location, dislocated from surrounding development. Their placement would therefore not be in character with the arrangement of local development.
8. Accordingly, the proposal would not satisfy the part of policy EN5 of the Tamworth Local Plan 2006-2031 (2016)(LP) that requires development to respect existing local architectural characteristics. This is consistent with the Framework which seeks development to be sympathetic to local character.

Living conditions

9. The proposed dwellings would be to the rear of No 106. They would retain a 21-metre separation distance. This separation distance complies with the separation standards employed by the Council. The site section shows that the proposal would be set into the currently sloping ground to result in a relationship that would be level with no significant change in height. Furthermore, landscaping and boundaries are proposed in between this space.
10. Consequently, the separation distance, plus the absence of front facing first-floor windows and new landscaping would limit the effect of the proposal on the existing dwelling. Although, I have found the roof to be a bulky addition it is nevertheless receding from the rear of No 106. This would reduce its overall impact on the rear garden and elevation of the existing dwelling. Neighbouring dwellings, including 108 Sheepcote Lane on lower land, are further distant from the proposed dwellings. The impact would therefore be lessened further in

consideration of impact on outlook. The proposed development would therefore have a negligible impact on the living conditions, especially the outlook, of occupiers of No 106 and adjacent neighbouring occupiers.

11. As such, the proposal would comply with the part of policy EN5 of the LP that requires new development to minimise or mitigate environmental impacts, including sense of enclosure, for the benefit of existing and prospective occupants of neighbouring land. This requirement accords with the Framework which seeks development to create places with a high standard of amenity for existing and future users.

Other matters

12. Several proposals approved by the Council have been referenced in evidence by the appellant. These illustrate, to varying degrees, that back-land development can be acceptable in principle. Although each case must be considered on its own merits, of these examples '226 Tamworth Road' appears to be the most similar in layout form. However, the submitted layout plan shows it to be within a rear corner plot and therefore has limited scope to affect a sense of spaciousness within the surrounding area. Accordingly, the open and spacious character of the appeal site appears to be fundamentally different to those cases drawn to my attention. The examples given are therefore of limited weight in my consideration of the merits of this appeal.
13. Interested parties have raised concerns during the application process. These stated that the proposal would affect living conditions due to a loss of privacy, car movements, noise and light pollution. However, the proposed dwellings would not result in substantive harm with respect to these matters.
14. The proposal would have no adverse impact on ecology or flood matters. However, an absence of harm in these respects can only be considered as neutral factors in the planning balance.
15. The Framework seeks to significantly boost the supply of housing. However, the harm to the character and appearance of the area would be substantial. As a result, the conflict found with the Development Plan would not outweigh the limited social and economic benefits associated with the provision of two dwellings.

Conclusion

16. For the above reasons the appeal is dismissed.

Ben Plenty

INSPECTOR