



Appeal Decision

Site visit made on 13 January 2021

by D Hartley BA (Hons) MTP MBA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 18th January 2021

Appeal Ref: APP/V4630/D/20/3261532

4 Badgers Close, Pelsall, Walsall WS3 5BX

- 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 Roy Tovey against the decision of Walsall Metropolitan Borough Council.
 - The application Ref 20/0418, dated 1 May 2020, was refused by notice dated 6 August 2020.
 - The development proposed is the erection of a detached domestic single garage to the front of the house.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues the effect of the proposal on (i) the character and appearance of the area and (ii) the living conditions of the occupiers of No 1 Mallard Close in respect of outlook.

Reasons

Character and appearance

3. The appeal site relates a piece of open land to the front/side of No 4 Badgers Close which is a detached dwelling positioned within a modern housing estate. The appeal site is undeveloped and is seen in conjunction with open and landscaped space which adjoins the footpaths as one enters Badgers Close from Mallard Close. There is a general and pleasing uniformity of undeveloped and open space to the side and fronts of dwellings along Badgers Court, whether that be in the form of hard/soft landscaped areas or driveways, with built development being mainly positioned well back from the highway. Overall, these attributes add positively and distinctively to the spacious character and appearance of the locality.
4. The proposed garage would be positioned on land which would be forward of the main dwellinghouse. It would unacceptably interrupt the otherwise sense of openness that exists to the fronts and sides of the dwellings in this part of the estate. Whilst I acknowledge that the appellant proposes to introduce some 'low planting' between the side wall of the garage and the pavement, this landscaping would represent a very small proportion of the land. Furthermore, and even with landscaping in place, the approximately 3.65 metre high garage would still be prominent, dominant and conspicuous in this urban environment.

5. The appellant has referred me to other development on this estate which it is claimed has a similar impact to the proposed development. Reference is made to No 14 Mallard Close where there is a wooden fence immediately abutting the edge of the pavement. This is the exception rather than the norm to the otherwise more spacious pattern of development within the estate and, furthermore, the fence does not have the same height or bulk as the appeal building and so it is not as prominent or imposing in the street-scene.
6. Similarly, whilst I accept that the fence to No 22 Mallard Close does dog-leg outwards towards the pavement, owing to its height and the existence of mature landscaping it does not depart significantly from the overall impression of spaciousness alongside the roads in this area. I have been referred to an outbuilding erected behind a fence at No 12 Primrose Close. I do not have the specific details which led this building being erected. In any event, such development is not directly analogous with the appeal building and, furthermore, its existence does not alter the prevailing character and appearance of the estate which is one where there is an overall sense of openness and space to the sides and fronts of dwellings.
7. For the reasons outlined above, I conclude that the development would have a significantly adverse impact on the character and appearance of the area. Therefore, the proposal would not accord with the design requirements of saved policies GP2 and ENV32 of the Walsall Unitary Development Plan 2005 (UDP) and policy DW3 of the 'Designing Walsall' Supplementary Planning Document 2013 (SPD).

Living conditions

8. The proposed garage would be positioned alongside the rear garden boundary of No 1 Mallard Close. Given the relatively low evergreen hedging along this boundary, coupled with the height of the garage and separation distances involved, I consider that the proposal would have a significantly enclosing and dominating impact when viewed from the rear windows and garden area of this property.
9. I therefore conclude that the development would have a materially adverse effect on the living conditions of the occupiers of No 1 Mallard Close in respect of outlook. Consequently, the proposal would not accord with the amenity requirements of policy GP2 of the UDP and paragraph 127(f) of the National Planning Policy Framework. The Council has referred to policy ENV3 of the UDP and policy DW3 of the SPD in its refusal notice, but the former relates to development in Green Belt and the latter relates to design. Therefore, they are not directly relevant to this main issue. However, there would also be conflict with Appendix D of the SPD which states that there should be '*13 metres separation between habitable windows and blank walls exceeding 3 metres in height*'.

Conclusion

10. For the above reasons, I conclude that the appeal should be dismissed.

D Hartley

INSPECTOR