The Planning Inspectorate

Appeal Decision

Site visit made on 15 December 2020

by Thomas Hatfield BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 28th January 2021

Appeal Ref: APP/C3430/W/20/3259789
Dark Lane, Kinver, Stourbridge, DY7 6JA

- 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 Ron Whitehouse against the decision of South Staffordshire Council.
- The application Ref 19/00973/FUL, dated 20 December 2019, was refused by notice dated 23 March 2020.
- The development proposed is described as *"revised design for previously approved replacement dwelling (Ref: 0291/97)"*.

Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are the effect of the development, firstly, on the character and appearance of the area and, secondly, on the living conditions of the occupiers of The Cottage with regard to overlooking.

Reasons

Character and appearance

3. The appeal site is positioned at the junction between Dark Lane and Hawthorne Way, on the edge of Kinver. It consists of a small triangular piece of land within the settlement boundary where the new dwelling and its curtilage are proposed, and a larger paddock to the south that is within the Green Belt. The site has been subject to two previous planning permissions[1] for a new dwelling, both of which remain extant.

4. The appeal proposal would be significantly taller than both previously approved schemes and would occupy a larger footprint. In this regard, it would have a significantly steeper roof pitch, with gables at both ends, that would result in a taller and more imposing dwelling positioned close to the road. The scale and height of the development would contrast sharply with the more modest proportions of The Cottage, and it would be prominent in longer views along the street. From these vantage points it would appear as an unduly tall and dominant feature that would draw the eye. Moreover, its excessive footprint would leave only a small garden area in the eastern corner of the site that

[1] Refs 0291/97 and 20/00431/FUL

would have limited usability due to its size. Whilst I note that other nearby dwellings are also situated within irregular shaped plots, those properties have larger and more usable garden areas.

5. For the above reasons, I conclude that the development would significantly harm the character and appearance of the area. It would therefore be contrary to Policy EQ11 of the South Staffordshire Core Strategy (2012). This policy seeks to ensure, amongst other things, that new development is of high quality design that takes into account local character.

Living conditions

6. Unlike the two previously approved schemes, the appeal proposal would incorporate a double garage with two dormer windows above it. These windows would serve a bedroom and would face directly onto the side elevation of The Cottage at relatively close quarters. In this regard, an existing first floor window in The Cottage is positioned opposite to the proposed dormer windows, and there would be a significant degree of intervisibility between them. The distance between these windows would be below the minimum separation distances set out in Appendix 6 of the Core Strategy, and this arrangement would result in a significant loss of privacy in my view.

7. Separately, the existing trees and hedges along the boundary would ensure that there would be no significant loss of privacy to the adjoining property at No 26 Dark Lane. However, that does not alter my other concerns regarding the development, as set out above.

8. For the above reasons, I conclude that the development would significantly harm the living conditions of the occupiers of The Cottage with regard to overlooking. It would therefore be contrary to Policy EQ9 of the South Staffordshire Core Strategy (2012), which seeks to protect residential amenity.

Conclusion

9. As set out above, I conclude that the development would significantly harm both the character and appearance of the area and the living conditions of the occupiers of The Cottage. Whilst it would provide a new dwelling on a previously developed site, and would generate some economic benefits during the construction phase, that does not alter my view that the appeal should be dismissed.

Thomas Hatfield

INSPECTOR