



Appeal Decision

Site visit made on 18 January 2021

by Martin Chandler BSc MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 29 January 2021

Appeal Ref: APP/Z3445/W/20/3259626

104 Argyle Street, Glascote, Tamworth B77 3EN

- 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 Eddie Short against the decision of Tamworth Borough Council
 - The application Ref 0181/2020, dated 24 June 2020, was refused by notice dated 12 August 2020.
 - The development proposed is erection of 2 bedroom dwelling to side of existing property and demolition of garage.
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Decision

1. The appeal is dismissed.

Application for costs

2. An application for costs has been made by Mr Eddie Short against the decision of Tamworth Borough Council. This is the subject of a separate decision.

Main Issues

3. The main issues are the effect of the proposal on:
 - i) the character and appearance of the surrounding area; and
 - ii) the living conditions for the occupants of neighbouring properties and for future occupiers, having particular regard to noise transfer.

Reasons

Character and appearance

4. The appeal site is prominently located at the corner of Argyle Street and Warwick Road. It is a semi-detached dwelling with space between the building and the adjacent highway and although there is a means of enclosure, this does not affect the spacious nature of the corner. The openness of this space is replicated on the other side of the road and such open corners are a prominent feature within the locality. The houses in Warwick Road are set back from the highway and line through with the side elevation of the existing dwelling on the appeal site. This establishes a clear and strong building line and due to the prevalence of such similar features in the locality, the open corner and the strong building line make a positive contribution to the character and appearance of the area.

5. The proposed dwelling would adjoin the existing dwelling. Due to the width of the proposal and the prominence of the appeal site, it would result in a clear and demonstrable breach of the strong building line which currently defines the junction. Accordingly, it would substantially erode the openness of the existing corner in a manner that would be detrimental to this important feature. As a consequence, although the visual appearance of the proposal would seek to replicate the existing dwelling, it would appear unduly dominant within the street scene and would have a demonstrably negative impact on the pleasant open corner. This is a matter to which attach substantial weight, and I also note that these findings are entirely consistent with a recent appeal decision on the site for a comparable form of development.
6. I note the extension to No 94 which establishes a similar relationship to that proposed with the corner and the building line in St. Georges Way. However, the presence of this example does not alter my findings set out above. The predominant urban form is one of open and spacious corners and the appeal site is clearly consistent with this important feature. I also note the reference to a recent approval at 70 Sheepcote Lane. However, based on the limited evidence before me, that proposal would appear to retain a more favourable relationship with the neighbouring building line.
7. Accordingly, for the reasons identified above, I conclude that the proposal would harm the character and appearance of the surrounding area. It would therefore fail to accord with Policy EN5 of the Tamworth Borough Council Local Plan 2006 – 2031 (2016) (LP) and advice within the Tamworth Design Guidance Supplementary Planning Document (2019) (SPD). Taken together, these seek amongst other things, development which respects and reflects existing local architectural characteristics.

Living conditions

8. The proposal would create a new party wall with the potential for noise transfer between dwellings. However, this is a common scenario in residential development that it could be resolved with suitable noise mitigation measures, secured through a planning condition. I therefore conclude that the proposal would provide suitable living conditions for both neighbouring and future occupants and in this regard, it would accord with Policy EN5 of the LP and guidance within the SPD. Taken together, these seek amongst other things, development which minimises and mitigates environmental impacts for the benefit of existing and prospective occupants of neighbouring land.

Other Matters and Conclusion

9. The appeal site is located within an established and sustainable urban area with good access to local facilities. The proposal would also make a small contribution to local housing provision. However, due to the scale of the proposal, these matters only attract limited weight in favour of the proposal. Therefore, they would not outweigh the fundamental concerns identified above and accordingly, for the reasons set out above, the appeal should be dismissed.

Martin Chandler

INSPECTOR