



Appeal Decision

Site Visit made on 17 February 2021

by Jonathan Edwards BSc(Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 23 February 2021

Appeal Ref: APP/P1805/W/20/3261621

49 Sandhills Road, Barnt Green, Birmingham B45 8NP

- 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 and Mrs A and J Smollett against the decision of Bromsgrove District Council.
 - The application Ref 20/00284/FUL, dated 4 June 2019, was refused by notice dated 23 April 2020.
 - The development proposed is described as 'new traditional 2 bedroom dwelling with car parking and private garden placed within a mature setting within the bounds of the property accessed from an existing right of way served by a public road'.
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Decision

1. The appeal is dismissed.

Main Issues

2. As part of the appeal, the appellants have provided a preliminary ecological appraisal and information in respect of the likelihood of newts using a nearby pond. The Council advise that this addresses its third refusal reason and there are no grounds for me to arrive at a different view on the matter. Accordingly, the main issues are (i) the effect of the proposal on the character and appearance of the area, and (ii) the effect on the living conditions of the occupiers of the adjoining properties in respect of outlook.

Reasons

Character and appearance

3. The appeal property is similar to most other nearby houses in that it is of a traditional design, directly faces the highway and has a long vegetated back garden. The notable exception to this general pattern of development in the area is 1A and 1B Bittell Lane (Nos 1A and 1B) which lie behind 3 Bittell Lane (No 3) at the end of a private drive to the rear of the appeal site.
4. The proposal would be located in the appeal property's back garden and would appear as a single storey building with its lower floor underground. It would be largely hidden from the road, although it would be seen from the adjacent drive as well as from the gardens and upper floor rear windows of nearby properties.
5. The dwelling would face the private drive and so would be at odds with the prevalent pattern of houses that directly look out onto the public highway. The development would be taller, longer and wider than the garage it would replace and by virtue of its design and size it would look like a dwelling rather than an ancillary outbuilding. Therefore, it would be incongruous amongst the line of back gardens to Sandhills Road houses.

6. Most of the developments behind residences and referred to by the appellant are not seen with the site and so have no effect on its character. Also, from the information provided it appears that these are of different scale and nature to the current proposal. As such, they do not set a precedent that I am bound to follow in the determination of this appeal.
7. Nos 1A and 1B are nearby and so have a degree of influence on the site's surroundings. However, the proposed dwelling would be set back into the garden and would face the side of No 3 rather than towards Nos 1A and 1B. Given this position, intervening vegetation as well as its single storey scale and untraditional design, the dwelling would be viewed as a separate scheme rather than an addition to the cluster formed by Nos 1A and 1B. As a result, it would not integrate comfortably with the area.
8. Moreover, as it would be near to the side boundaries, it is likely the proposal would require the removal or cutting back of a significant amount of existing vegetation, particularly as the development would require extensive excavation. As the house would be close to 47 Sandhills Road (No 47), I am unconvinced that any replacement planting along this boundary would thrive.
9. The vegetation to be affected is generally of low value and nearby larger trees would be retained. Also, there would be scope for limited new planting to the front of the dwelling and other parts of the site where the extent of the building allows. Nevertheless, the need to remove established vegetation that contributes positively to the natural qualities of the area would emphasise the incompatibility of the proposal to the site.
10. The existing garage would be removed and is of little architectural value. However, despite being near the drive it is a low key outbuilding that reflects its location at the end of a garden. As such, its demolition would only be of limited benefit to the quality of the area and would not address or override the incongruity of the proposed dwelling.
11. Permitted development rights would allow the erection of buildings incidental to the enjoyment of the existing house in its garden. However, in the absence of any substantive evidence to the contrary, it seems unlikely that the appellant would construct an ancillary building of a similar size and design to the proposal should the appeal be dismissed. Therefore, this factor attracts limited weight and fails to address my concerns in relation to this main issue.
12. For these reasons, I conclude the proposal would harm the character and appearance of the area. In this regard, it would not accord with policies BDP1, BDP7 and BDP19 of the Bromsgrove District Plan 2017 (DP). These all aim, amongst other things, to ensure development maintains and enhances the character of the local area and to resist development of garden land that does not fully integrate with the quality of the local environment.

Living conditions

13. The proposal would be seen from No 47 and 51 Sandhills Road (No 51) but it would be a significant distance away from the rear of these houses and so it would cause no obstruction of views from any windows. The dwelling would be seen at close proximity from the neighbouring gardens and it would be taller than the garage to be removed. However, boundary features would mean that only the roof would be visible and this would be sloping away from the

neighbouring properties. Also, the depth of the house above ground would be relatively small compared to the length of the plots and so any visual impact would affect only part of the adjoining gardens. As such, the proposal would not cause a meaningful loss of views or overbearing effect, even when taking into account the different garden ground levels. The dwelling would be set away from and so would have no effect on any other property.

14. For these reasons, I conclude the development would not harm the living conditions of the occupiers of the adjoining properties in respect of outlook. In this respect, it would accord with DP policies BDP1 and BDP19 which, amongst other things, seeks to ensure development is compatible with the amenity of adjoining residential properties.

Other considerations and planning balance

15. The proposal is designed to avoid harm to the living conditions of nearby residents by virtue of loss of light and privacy. The scheme would retain sufficient garden space to serve the appeal property as well as provide for the needs of occupiers of the development. Also, subject to various measures, the appellant's submissions indicate the proposal would not cause harm to protected species and this is not disputed by the Council. Acceptability in all of these regards is a neutral factor in my assessment.
16. The proposal would represent a more efficient use of land in a location where there is reasonable access by different modes of travel to facilities. Also, it would add to the supply and mix of houses in the area as well as bring construction employment and support for local businesses. Submissions indicate that there is insufficient housing land to meet the 5-year minimum requirement as set out in the National Planning Policy Framework (the Framework). In light of this shortfall and having regard to the scale of the development, I attach moderate weight to the benefits of the scheme.
17. As there is a shortfall in housing land supply, paragraph 11d of the Framework is engaged. This requires the adverse impacts of the proposal and its benefits to be considered against the Framework policies as a whole. The Framework states that development should be sympathetic to local character and that permission should be refused for proposals of poor design that fail to improve the quality of an area. Therefore, I attach significant weight to the harm that would be caused in these regards. Overall, the adverse impacts of the scheme would significantly and demonstrably outweigh its benefits and so the Framework's presumption in favour of sustainable development does not apply.

Conclusion

18. The proposal would conflict with the development plan when read as a whole and the benefits and other considerations do not lead me to a decision other than in accordance with its policies. As such, I conclude the appeal should be dismissed.

Jonathan Edwards

INSPECTOR