



Appeal Decision

Site Visit made on 3 August 2021

by R Walmsley BSc, MSc, MA, MRTPI

an Inspector appointed by the Secretary of State

Decision date: 27 August 2021

Appeal Ref: APP/V4630/W/21/3275321

Saddlers Arms, Fishley Lane, Bloxwich WS3 3PS

- 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 A Carter against the decision of Walsall Metropolitan Borough Council.
 - The application Ref 20/0664, dated 17 June 2020, was refused by notice dated 22 January 2021.
 - The development proposed is construction of two detached houses and car parking.
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Decision

1. The appeal is dismissed.

Main Issues

2. These are the effect of the proposal on the character and appearance of the area and on the living conditions of existing and prospective occupiers with particular regard to privacy, outdoor space and light.

Reasons

3. I have no concern for the principle of developing the site for housing given the precedent set by a previous planning permission on the site and the Council's lack of objection in this regard.
4. However, there is a sense of spaciousness in Fishley Lane, owing, in part, to the modest size of the housing footprints compared with their plots and the relaxed layout of front gardens and parking. In contrast, the new dwellings would have deep footprints that would occupy a notable proportion of each plot. The northernmost dwelling would sit uncomfortably close to the site's side boundary compared with surrounding dwellings. The tandem parking layout for the adjoining dwelling would be impractical and appears a contrived way of accommodating parking on site. Altogether, the development would appear incongruous alongside the more comfortable and relaxed layout of existing properties. As such, the proposal would be harmful to the character and appearance of the area and would be contrary to Saved Policies GP2 and ENV32 of the Unitary Development Plan (2005) (UDP) and Policy ENV3 of the Core Strategy (2011) (CS) which, amongst other things, seek development of a high design quality and that respects the visual qualities of an area.
5. The distance between the rear elevations of the new dwellings and the existing houses fronting Simmonds Road would not achieve the minimum separation distance of 24 metres that is recommended in the Council's Supplementary

Planning Document, Designing Walsall (2013) (SPD). Whilst this distance is a guide, the shortfall is discernible and the angle of the properties to each other would be insufficient to mitigate the harm to the privacy of existing and future occupiers because of the inadequate distance of separation.

6. The development would also fall short of the minimum standards for garden size that are set out in the SPD. Whilst the standards are a guide, the shortfall is notable and indicates that the size of the gardens would be inadequate for the number of prospective occupiers in each house. Together with the gardens being overlooked by existing occupiers, the development would not provide the high standard of amenity for future users which the National Planning Policy Framework (2021) (the Framework) and Saved Policy GP2 of the UDP (2005) encourages.
7. There would be some overshadowing of the gardens to the houses fronting Simmonds Road given that these houses which adjoin the shared boundary with the appeal site sit within the sun's path as it travels from east to west. However, the degree of overshadowing would be limited given the distance of the new dwellings to the existing rear gardens. Plus, any overshadowing would be limited to the latter part of the day. Existing occupier's enjoyment of their gardens, therefore, would not be harmed by a loss of sunlight.
8. Being north of No.28 Fishley Lane the development would also not overshadow the living areas of this existing dwelling to be considered harmful to the living conditions of the occupiers of this property. Furthermore, as the living areas at No.28 Fishley Lane are a reasonable distance from the appeal site, the development would not appear overbearing or be harmful to occupiers' outlook at this property.
9. I have no details regarding viability to understand the extent to which the quantum of development proposed is needed to sustain the use of the adjoining site as a public house. This benefit, therefore, does not overcome the harm found to living conditions and the character and appearance of the area.
10. And so, I find that the development would be harmful to the character and appearance of the area and to the living conditions of existing and prospective occupiers with particular regard to privacy and outdoor space and would, therefore, be contrary to the policies stated.

Conclusion

11. The proposal conflicts with the development plan when considered as a whole and there are no material considerations, either individually or in combination, that outweigh the identified harm and associated development plan conflict. For the above reasons, the appeal is dismissed.

R Walmsley

INSPECTOR