



Appeal Decision

Site Visit made on 29 June 2021

by J Williamson BSc (Hons) MPlan MRTPI

an Inspector appointed by the Secretary of State

Decision date: 06 September 2021

Appeal Ref: APP/C3430/W/21/3272563
603 Walsall Road, Great Wyrley, WS6 6AP

- 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 Andrew Ludgate against the decision of South Staffordshire Council.
 - The application Ref 20/00864/FUL, dated 06 October 2020, was refused by notice dated 19 February 2021.
 - The development proposed is three bedroom detached dwelling.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. Following the submission of the appeal a revised National Planning Policy Framework (the Framework) has been published. I sought the views of the main parties as to the relevance of any changes. I have taken account of the revised Framework, and the responses received from the parties, in my decision.

Main Issues

3. The main issues are:
 - the effect of the proposal on the living conditions of occupiers of number 2 Holly Lane and the host property, number 603 Walsall Road, and
 - the effect of the proposal on the character and appearance of the area.

Reasons

Living conditions

4. The western facing elevation of the proposed dwelling would be sited such that it would overlap and face around half of the eastern facing elevation of No. 2 Holly Lane. The eastern facing elevation of No. 2 has a window at ground floor level which I understand serves a dining/kitchen area. Although the appellant suggests that this window is a secondary window, my observations on site lead me to conclude that the window is the sole window to the room that it serves. The proposed dwelling would be two storeys high, and at around 11 m from the said window, I consider the proposal would have an overbearing impact on No. 2 Holly Lane, which would significantly harm the outlook from the room referred to. Consequently, I conclude that the proposal would harm the living

conditions of the existing occupiers of No. 2 Holly Lane to an unacceptable degree.

5. As such, the proposal does not accord with Policy EQ9 of the Core Strategy Development Plan Document 2012, (CS), which requires, among other things, development not to unacceptably affect the living conditions of residents.
6. At the closest point, part of the southern facing elevation of the proposed dwelling would be sited around 2 m from the northern facing elevation of the host dwelling, No. 603 Walsall Road. Although there is a window in the northern most northern facing elevation of the existing dwelling, I was able to see during my site visit that this window serves a garage. Additionally, the appellant has confirmed, and I have no justifiable reason to conclude otherwise, that the window on the other northern facing elevation serves a games room. I consider these factors, along with the siting of the proposed dwelling in relation to other parts of the host property and the large garden area that would be retained, would ensure that the proposal would not have an overbearing effect on the host dwelling and that the outlook from all key habitable rooms would be maintained. As such, I conclude that the proposal would not harm the living conditions of occupiers of the host property.

Character and appearance

7. The site comprises a detached bungalow sited within a relatively large corner plot located on the western side of Walsall Road (a main road that passes the eastern boundary of the village of Great Wyrley) and the eastern end of Holly Lane. The site lies at the south-eastern corner of the built-up area of the village, a corner that is characterised by a mix of residential and commercial properties/land uses. Residential development is concentrated to the north/north-west of the site, with fields beyond the built development immediately to the south-west, south, east, and north-east of the site. The residential properties in the area vary in type, size, and design. Thus, there are detached, semi-detached, linked, and short terraces; although most of the properties are two-storey or single-storey, there are a few three-storey blocks of flats. The properties are generally designed with a simple block form with dual-pitched roofs either gabled or hipped.
8. The site forms one end of a short row of dwellings on the western side of Walsall Road. Like most of the properties in the area, the dwellings in this row front the road; though in contrast to most of the properties within proximity of the site, which either have a shallow or no front garden, they are set-back much further from the road and pavement, close to their rear boundaries.
9. Although there are numerous stretches of streets in the area where dwellings have a broadly consistent building line, due to a bend in the road on Holly Lane, in contrast to the view of the Council, I consider there to be some variation in set-back of the properties located on the southern side of Holly Lane at its eastern end. Furthermore, the handful of dwellings located on the northern side of Holly Lane at its eastern end also have varied setbacks. Additionally, there is a grass verge between the northern boundary of the site and the pavement and there are a few trees sited within a grass verge positioned within the central area of the pavement and a front garden. Consequently, due to these factors, although the proposed dwelling would be sited closer to the road than many of the existing dwellings on Holly Lane, I do

not consider that this would be harmful to the pattern or rhythm of development on Holly Lane or the surrounding area.

10. Given the relatively large plot size of the host dwelling, sub-dividing the plot as proposed would ensure that the host dwelling retains a large plot, and the plot size of the proposed unit would also be larger than those of immediate neighbouring properties and those within proximity of the site. Given the relatively large plot size of the proposed unit along with the fact that the eastern elevation of the proposed dwelling would be well set-back from Walsall Road, a degree of spaciousness would be retained on the southern corner of Holly Lane and Walsall Road. For these reasons I disagree with the Council's conclusion that the proposal would result in a cramped layout that does not respect the surrounding pattern of development.
11. I therefore conclude that the proposal would have an acceptable relationship with the street scene and would not be harmful to the character or appearance of the area. As such the proposal accords with Policy EQ11 of the CS, which requires, among other things, development to be of the highest quality, to take account of local character and distinctiveness and to contribute positively to the street scene.

Conclusion

12. Notwithstanding my conclusions regarding the effect of the proposal on the character and appearance of the area and the living conditions of occupiers of the host dwelling, due to the significant detrimental impact of the proposal on the living conditions of existing occupiers of No. 2 Holly Lane, I conclude that the appeal is dismissed.

J Williamson

INSPECTOR