



Appeal Decision

Site Visit made on 22 September 2021

by Stuart Willis BA Hons MSc PGCE MRTPI

an Inspector appointed by the Secretary of State

Decision date: 20 October 2021

Appeal Ref: APP/C4615/W/21/3277568

75 Wolverhampton Road, Sedgley, DY3 1QX

- 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 Bryan Jewkes against the decision of Dudley Metropolitan Borough Council.
 - The application Ref P20/1964, dated 10 December 2020, was refused by notice dated 9 April 2021.
 - The development proposed is the erection of a single detached bungalow.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. I have taken the description of development from the application form. Although different to the one given on the decision notice, no confirmation that a change was agreed has been provided.
3. Following the refusal of the application the new National Planning Policy Framework (Framework) has been published. The parties have had the opportunity to comment on this as part of their appeal submissions. There have been no fundamental changes relevant to the main issues in this appeal.

Main Issues

4. The main issues of the appeal are:
 - The effect of the proposed development on the character and appearance of the area,
 - The effect of the proposed development on the living conditions of the occupiers of Hilton Lodge, with particular regard to privacy,
 - The effect of the proposed development on highways safety, with particular regard to sight lines; and
 - Whether the appeal site would be a suitable location for housing with regard to the local development strategy.

Reasons

Character and Appearance

5. The streets near the appeal site are generally characterised by linear properties that front and are set back from the road. Although there is some diversity,

properties are commonly set in generous plots with large outdoor spaces, usually to the rear. This, along with the frequent landscaping within plots and along their boundaries gives a verdant and spacious feel to the streetscene that the appeal site currently contributes positively to.

6. The proposal would be at odds with this, being considerably smaller than most nearby plots. There would be far less space around the property with the dwelling being in closer proximity to its boundaries than is typical. The appeal scheme would appear cramped in comparison to the prevailing pattern of development. It would erode the existing spaciousness of the streetscene. This would be obvious from the plots it would be seen with and from the street itself.
7. The appellant indicates that the tree at the rear of the proposed plot is in poor health. Nevertheless, there is limited information before me to support this or regarding the effect of the proposed development on other landscape features at and adjacent to the site. The trees are not said to be subject to a Tree Preservation Order or any other protection. Notwithstanding this, they contribute to the sylvan streetscene. Given the constraints in terms of space around the property, there would be limited space for planting, and I cannot be sure that conditions would be effective in protecting or replacing features.
8. The property would be more readily seen with built form at the junction with Wolverhampton Road than much of the development off High Park Crescent. There is some variation in the building lines to both streets and Hilton Lodge is set back further than many nearby properties. The proposed dwelling would be further from the road than the side elevation of 75 Wolverhampton Road and not significantly closer to the road than the garages opposite the appeal site.
9. The majority of properties near the site are 2 storeys. However, there is an existing bungalow close by that also has first-floor accommodation in the roofscape. Although on a far larger plot, that dwelling would be seen with the appeal property. Furthermore, there is no uniformity to the design, scale or roofscape of properties in the area.
10. The features and materials of the proposed property would draw on the existing varied built form. The front gable feature would break up the roofscape and prevent it appearing top heavy. The proposed bungalow would be seen from the road and nearby properties. However, the appearance and scale of the proposed dwelling would not be incongruous.
11. Despite this, the proposed development would unacceptably harm the character and appearance of the area. The scheme would fail to accord with Policies CSP4, HOU2, ENV2, ENV3 of the Core Strategy¹ and Policies S1, S6, S8, S22 and L1 of the Development Strategy², the SPD³ and the National Design Guide. These, in part, require proposals to be influenced by, and take account of local context, character and distinctiveness as well as providing information on the impact on, and replacement of trees.
12. The proposal would also be contrary to the Framework where it requires schemes to be sympathetic to local character and that existing trees are retained wherever possible.

¹ Black Country Core Strategy

² Dudley Borough Development Strategy

³ New Housing Development Supplementary Planning Document

13. Policy S1 of the Development Strategy relates to the presumption in favour of sustainable development, Policy HOU1 of the Core Strategy relates to housing supply and distribution; and Policy ENV1 of the Core Strategy focuses on biodiversity. Therefore, as they do not relate to matters of character and appearance, they are not directly relevant to this main issue.

Living Conditions

14. The outdoor space for Hilton Lodge behind the site is level, enclosed, some distance from existing windows and with tall trees to some boundaries. As a result, it is currently secluded and private. While the en-suite window could be fitted with obscure glazing, the remaining rear rooflights would serve habitable rooms. These would allow close range and largely unobstructed views over the boundary fence and into the outdoor space. I am not convinced that their use as bedrooms would prevent them being occupied for prolonged periods by occupiers when awake. Furthermore, the angle of the window would do little to limit the views out of them.
15. This area is not as open or large as other parts of Hilton Lodge's garden space and as with other parts of the garden did not appear to be well used at the time of my visit. However, this does not prevent it being used as amenity space or diminish the loss of privacy that would occur at the area overlooked.
16. As such, the proposed development would unacceptably harm the living conditions of the occupiers of Hilton Lodge with regard to privacy and it would not accord with Policies HOU2 of the Core Strategy, Policies L1 of the Development Strategy and the SPD. These, in part, aim to minimise and prevent unacceptable impacts on amenity of neighbouring dwellings. In addition, it would fail to accord with the Framework where it seeks a high standard of amenity for existing users.
17. Policies CSP4, ENV2, ENV3 and HOU1 of the Core Strategy and Policy S6 of the Development Strategy do not relate to living conditions of nearby occupiers. Therefore, they weigh neither for nor against the appeal scheme in relation to this matter.

Highway Safety

18. From my observations and the information presented, there is infrequent and slow-moving vehicle and pedestrian movements pass the site. There are existing accesses off this part of High Park Crescent where boundary treatments limit the visibility available and little evidence that this has led to incidents. The proposal provides parking in line with the Parking Standards Supplementary Planning Document.
19. Nonetheless, both the garages opposite and Hilton Lodge have space for vehicles to turn within their sites. Moreover, Hilton Lodge's front wall curves at the access allowing wider visibility. The pavement in front of the appeal site is relatively narrow and the proposed access would be adjacent to the front wall for Hilton Lodge. Even if boundary treatments within the garden of 75 Wolverhampton Road were moved or reduced in height, the proposed access would be adjacent to and obstructed by the wall within Hilton Lodge. Intervisibility between pedestrians and other road users, and vehicles manoeuvring in or out of the site in reverse would be severely limited.

20. Consequently, the proposed development would unacceptably harm highway safety. It would not comply with Policy TRAN2 of the Core Strategy and Policies S17 and L1 of the Development Strategy. These seek to ensure that schemes provide adequate and safe access while preventing proposals that would be likely to have significant transport implications.
21. Moreover, the proposal would be contrary to the Framework where it states that development should be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety.

Whether Suitable Location

22. Policy HOU1 of the Core Strategy sets out the development strategy with regard to housing growth. It states that at least 95% of new housing will be built on previously developed land. No development plan definition of previously developed land has been put before me and the Framework definition excludes land in built up areas such as residential gardens.
23. Nonetheless, Policy HOU1 of the Core Strategy does not preclude all housing development on greenfield land. While locating schemes on previously developed land may be a priority, no clear case has been made that the appeal scheme would prevent the specified development plan target being reached.
24. Therefore, the appeal site would be a suitable location for housing with regard to the local development strategy and would comply with the housing provision aims of Policy HOU1 of the Core Strategy.

Other Matters

25. The Framework indicates that great weight should be given to the benefits of using suitable sites within existing settlements for homes for windfall sites and supports development that makes efficient use of land. The proposal would align with the Framework where it seeks to significantly boost the supply of housing and acknowledges that small-scale developments can make an important contribution to meeting the housing requirement and be built out quickly.
26. However, being for a single dwelling, the contribution towards housing supply, along with economic and social benefits from the construction and occupation of the property would be small.

Conclusion

27. The proposal conflicts with the development plan when considered as a whole and there are no material considerations, either individually or in combination, that outweighs the identified harm and associated development plan conflict.
28. Therefore, for the reasons given above, I conclude that the appeal should be dismissed.

Stuart Willis

INSPECTOR