



Appeal Decision

Site visit made on 23 November 2021

by Hannah Ellison BSc (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 7 December 2021

Appeal Ref: APP/G4620/W/21/3279536

39 Pear Tree Drive, Great Barr, Birmingham B43 6HT

- 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 Mandeep Dobbs, Pear Tree Property Investments Ltd, against the decision of Sandwell Metropolitan Borough Council.
 - The application Ref DC/21/65370, dated 11 March 2021, was refused by notice dated 18 June 2021.
 - The development proposed is the construction of new two storey dwelling house and garage.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are:
 - the effect of the proposal on the character and appearance of the area, and
 - whether satisfactory living conditions would be provided for future occupiers of the proposed dwelling, with particular regard to garden provision.

Reasons

Character and Appearance

3. The appeal site fronts Grove Vale Avenue and comprises part of the rear garden of 39 Pear Tree Drive, which is a large detached house occupying a generous corner site. The immediate stretch of properties along Grove Vale Avenue are detached bungalows set in open plan plots which, along with the long rear gardens of No 39 and 37 Pear Tree Drive on the opposite corner, contributes positively to the sense of spaciousness in this locality.
4. The proposed development would considerably truncate the rear garden of No 39, resulting in a contextually small plot for both the appeal site and No 39. The proposed dwelling would be of a significant scale and mass, filling much of its restricted plot with limited space around it. It would largely reflect the substantial scale and massing of properties on Pear Tree Drive, rather than the Grove Vale Avenue street scene in which it would be predominantly read. By virtue of these factors, the proposal would be an intrusive addition that would be cramped and discordant with its surroundings and would erode the spacious characteristics of the area.

5. Given the corner location of No 39, its rear garden has a lengthy boundary along Grove Vale Avenue. Whilst I acknowledge the guidance relating to this matter in the Revised Residential Design Guide Supplementary Planning Document (January 2014) (the SPD), there is no substantive evidence before me to suggest there are any safety concerns along this stretch. Additionally, mature landscaping and the grass verge contribute positively to this part of the street scene. As such, this approach into Grove Vale Avenue is neither of poor quality nor unattractive, whereas the proposed development would detract from the locality for the reasons noted above.
6. The proposal would result in an intensity of development that falls at the lower end of the suggested range of dwellings per hectare within the SPD. It is also suggested that there are other examples in the locality where the intensity is at a higher level. However, this does not overcome the harm I have identified above and would not justify the appeal proposal.
7. Accordingly, the proposed development would harm the character and appearance of the area and would conflict with Policy ENV3 of the Black Country Core Strategy (February 2011), Policy SAD EOS 9 of The Site Allocations and Delivery Development Plan Document (December 2012) and the SPD which collectively seek to ensure that developments are of a high quality design that responds and is appropriate to its locality.

Living Conditions

8. The submitted plans indicate that the proposed dwelling would have 5 bedrooms, therefore it would be large enough to accommodate a family. The proposed rear garden, although exceeding the minimum external space standards in the SPD, would largely be arranged as a long narrow strip to the north east of the proposed dwelling. Not only would this awkward layout cause the garden to feel enclosed, cramped and an unpleasant area to spend time in, it would also be unlikely to accommodate the range and amount of domestic paraphernalia typical of a property of its size, such as play equipment, seating and a clothes drying area.
9. I therefore conclude that the proposal would not provide satisfactory living conditions for future occupiers. My attention has not been drawn to any development plan policies in this regard. As such, I have relied upon the National Planning Policy Framework (the Framework) which, at paragraph 130, requires developments to have a high standard of amenity for existing and future users.

Conclusion

10. The proposal would provide an additional home which would bring some accompanying benefits associated with the investment and employment during construction, and from the spending in the local area from future occupiers. The nature of these benefits would however be limited due to the small scale of the development, thus I afford them limited weight.
11. The proposal would harm the character and appearance of the area and would not provide satisfactory living conditions for future occupiers, harm which would lead to conflict with the development plan and the Framework. I attach substantial weight to this harm. There are no material considerations, including the Framework, that indicate a decision should be made other than in

accordance with the development plan, therefore the appeal should be dismissed.

H Ellison
INSPECTOR