
Appeal Decision

Site visit made on 30 November 2021 by A J Sutton BA (Hons) DipTP MRTPI

by L McKay MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 15 December 2021

Appeal Ref: APP/Z3445/W/21/3277872

235 Glascote Road, Glascote, Tamworth, B77 2AZ

- 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 Richard Knight against the decision of Tamworth Borough Council.
 - The application Ref 0138/2021, dated 4 March 2021, was refused by notice dated 14 April 2021.
 - The development proposed is Rear extension over existing ground floor, change of use to Sui Generis, House of multiple occupancy.
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Decision

1. The appeal is dismissed.

Appeal Procedure

2. The site visit was undertaken by an Appeal Planning Officer whose recommendation is set out below and to which the Inspector has had regard before deciding the appeal.

Preliminary Matters

3. Although referred to as 235 Glascote Road on the application form, the location plan identifies the appeal property as No 235b. I was unable to confirm the correct address when on site. In the interest of clarity, in this recommendation, I have been guided by the submitted Ordnance Survey-based location plan.
4. On 20 July 2021 the Government published a revised version of the National Planning Policy Framework (the Framework). The main parties have had the opportunity to make submissions on this matter, but no substantive comments were made. I have determined the appeal in accordance with the revised Framework.

Main Issues

5. The principle of the proposed change of use in this location is not a matter in dispute between the parties and from the evidence before me I see no reason to disagree. The main issues are therefore:
 - the effect of the proposal on the character and appearance of the area;

- the effect of the proposal on the living conditions of the occupiers of neighbouring properties with regards to light and outlook; and
- whether the proposal would provide sufficient car and cycle parking, and linked to this, the effect of the proposal on highway safety.

Reasons for Recommendation

Character and Appearance

6. The appeal property is at the end of a short period terrace which forms part of a row of local shops and services. Although there is some modern infill, this part of Glascote Road is characterised by traditional early 20th Century properties with terraces of period dwellings to the rear.
7. All three properties in the terrace have rear additions. The two-storey addition at 5 New Street dominates the corner while the rear outrigger mid-terrace is of a more modest scale. However, despite these alterations, when viewed as a group from New Street the additions, all set below the main roof ridge, appear generally proportionate and in keeping with the architectural style of the properties. There is also a single-storey rear extension at No 233, however this is a modern building and part of the neighbouring terrace, so does not disrupt the architectural character of the terrace which includes the appeal property.
8. The proposed rear extension would utilise the same footprint as the existing single storey projection but would only be stepped down a small amount from the ridge of the main roof. Consequently, it would be significantly taller than the adjacent developments, would cover the elevation and substantially fill the existing space to the rear. As a result, it would overwhelm the original proportions and dominate the rear of the appeal property and would not appear subservient to it. Due to its height, bulk and mass, the proposed extension would therefore be a disproportionate addition which would harm the appearance of the property.
9. The harmful addition would be visible from New Street and across the open car park from John Street. It would fail to respect existing positive local architectural characteristics, which would harm the appearance of the street scene and in turn diminish the character of the area.
10. I therefore find that the proposal would harm the character and appearance of the area. It would conflict with policy EN5 of the Tamworth Borough Council Local Plan (Local Plan) and advice in the Tamworth Design Guidance, which collectively state, amongst other matters, that poor design or design that fails to take the opportunities available to improve the character and quality of an area and the way it functions will be refused.

Living Conditions

11. The properties in this short terrace are close knit. The addition to No 5 is deeper than the rear outrigger at No 235 and therefore partly encloses the outlook from the rear ground and first floor windows of that mid-terrace property.
12. The proposal would be a similar length to the addition at No 5 and as a result would substantially obscure the existing relatively open views to the east from the rear first-floor windows of No 235, leaving a limited outlook to the north.

Consequently, occupants of this property would feel hemmed in and experience an unacceptable sense of enclosure when using these rooms.

13. Due to its height and depth, the proposed development would also result in increased shading of these windows, significantly reducing light reaching this part of the existing property. Cumulatively with the harm to outlook, the quality of accommodation provided by the first-floor habitable rooms would be significantly diminished, to the detriment of the living conditions of the occupiers of the mid-terrace property.
14. I saw no windows to the west side elevation of No 5. In matching the length of this dwelling, the proposal would therefore not harmfully alter the existing outlook or level of light currently enjoyed by occupants of this property. The rear roof dormers of the other two properties in the terrace would be sufficiently separated from the proposed development that it would not harm the light to them or outlook from them. Furthermore, the proposal would not encroach into the car park and existing openness at the rear of No 233. The gap between this and the appeal property would also ensure that the proposed development would not harm the living conditions of occupants of No 233.
15. Accordingly, although I find no harm in respect to 233 and 237 Glascote Road and 5 New Street, the proposal would harm the living conditions of the occupiers of 235 Glascote Road with regards to light and outlook. It would as a result conflict with policy EN5 of the Local Plan and the Tamworth Design Guidance, which collectively seek to minimise or mitigate environmental impacts for the benefit of existing and prospective occupants of neighbouring land.

Parking and Highway Safety

16. On-street parking is not permitted on Glascote Road fronting the appeal site but there is some on-street parking on New Street and John Street. The car park to the rear of the appeal property also allows parking for customers of shops and services on Glascote Road. Therefore, although on-street parking is limited near the appeal site, I see nothing in the evidence submitted which would lead me to conclude that the demand for parking exceeds the supply in the area.
17. The proposed drawings show 4 car parking spaces serving the site in the adjacent car park, part of which the appellant says that they own. There are no locally adopted parking standards for houses in multiple occupation (HMO), and I have no details regarding the floorspace of the existing ground floor commercial premises in order to calculate the parking requirement based on the Council's parking standards. However, I observed that it was operating as a small barber shop.
18. The appeal property has easy access to local services. It is also a short bus ride from the centre of Tamworth, and to the broad range of services the town offers. Future occupants of the proposed HMO would therefore not be dependent on a car to access services, employment and shops. Customers of the shop could safely and conveniently park elsewhere in the car park or on local streets where permitted.
19. In this context, I consider that the existing 4 car parking spaces would be adequate for future occupiers of the proposal and note that the Council and

highway authority reached the same conclusion. While the car parking is not shown within the red line defining the application site, it is outlined in blue and declared as land under the appellant's ownership. Therefore, I am satisfied that provision of that parking and vehicular access to the highway could be secured by a suitably worded planning condition, and that the proposal is unlikely to lead to overspill parking from the proposed HMO on surrounding roads.

20. Local Plan policy SU2 requires cycle parking to be provided to assist in promoting cycle use. A small internal cycle store is shown on the proposed ground floor plan but is unlikely to be sufficient for a 9 bedroom HMO. However, further storage could be provided on land in the appellant's ownership. I am therefore content that this could be secured by condition.
21. Therefore, sufficient car and cycle parking could be provided and consequently the proposal would not harm highway safety. It would not in these respects conflict with Policy EN5 of the Local Plan or Appendix C to policy EN5 which, collectively, require particular regard to be paid to highway safety and servicing requirements, the capacity of the local road network and the adopted parking standards.

Other Matters

22. The Council is not bound by advice provided at pre-application stage. It has substantiated its reasons for refusal in this case and therefore this matter has not been decisive in this appeal. Noise assessments and appropriate soundproofing could be secured by condition to safeguard the living conditions of future occupiers of the proposed HMO, however this is a neutral factor.
23. The HMO would provide nine single rooms in a location well related to services, and this weighs moderately in favour of the proposal. However, there is no compelling evidence before me that this proposal would address a particular shortfall in this type of accommodation or for housing more generally locally. Therefore, the benefits in this case would not outweigh the conflict with Local Plan policies in respect to design quality and living conditions of neighbours.

Conclusion and Recommendation

24. Although I find no harm in respect to parking and highway safety in this case, the proposal would conflict with the Local Plan when taken as a whole. There are no material considerations that indicate the proposal should be determined other than in accordance with the development plan. For the reasons given above, I therefore recommend that the appeal should be dismissed.

A J Sutton

APPEAL PLANNING OFFICER

Inspector's Decision

25. I have considered all the submitted evidence and agree with the recommendation. The appeal is therefore dismissed.

L McKay

INSPECTOR