



Appeal Decision

Site visit made on 24 January 2022

by B Plenty BSc (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 16 February 2022

Appeal Ref: APP/P1805/W/21/3276649

109 Station Road, Wythall, BIRMINGHAM B47 6AG

- 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 Mrs P O'Donnell against the decision of Bromsgrove District Council.
 - The application Ref 20/01483/FUL, dated 18 November 2020, was refused by notice dated 18 February 2021.
 - The development proposed is the construction of one dwelling.
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Decision

1. The appeal is dismissed.

Main Issue

2. The main issue is the effect of the proposed development on the character and appearance of the area.

Reasons

3. Station Road is a suburban residential development that consists of bungalows and two-storey dwellings. Dwellings mostly share a common front building line with a regimented pattern of development. The majority of dwellings to the south side of the highway overlook Fulford Heath Golf Course beyond rear boundaries. The gardens to the northeast of the appeal site have largely limited boundary screening. The site has a relatively low boundary hedge to its northern boundary and provides open views towards neighbouring gardens and the golf course. The appeal site is to the rear of a two-storey dwelling. The appeal site and the adjacent open areas combine to create a strong sense of spaciousness. This dwelling and its site accords with the predominant pattern of local development and thus makes a positive contribution to the character and appearance of the area.
4. The proposed dwelling would be located behind the existing row of development, within the rear garden of the host dwelling. The proposal would be partially visible from the street from its access drive, over the neighbouring garage and in glimpses between existing frontage housing. Although including dormer windows at first floor, the dwelling would be a large structure. Although including dormer windows, the dwelling would have a large roof structure with a first floor that would only be marginally smaller than the ground floor. It would therefore introduce a comparatively bulky addition to the site. The site has an absence of boundary landscaping and would be open to views from neighbouring gardens and users of the golf course. Consequently, the existing open aspect of the site would be fundamentally eroded by the proposal. This

would substantially harm the openness of the site and reduce the value it contributes to the wider sense of spaciousness.

5. The proposal would be seen from neighbouring gardens and rear windows of neighbouring dwelling and users of the golf course. The National Design Guide does not distinguish between public and private views and character can be harmed by development irrespective of its prominence in a streetscene. Due to the semi-public nature of the golf course the site would be observed from wide vantage points within the golf course, thus increasing the prominence of the site and its identified harm.
6. 'The Grange' and 'Grange Bungalow', do not follow the predominant pattern of development. Nonetheless, these are substantially screened from the appeal site, golf course and neighbouring gardens by mature tree and hedge planting. Consequently, these plots are not clearly associated with, nor do they significantly contribute to, the surrounding context of the appeal site or the predominant character of the area. In contrast, the proposed dwelling would be overt in wider views of the site. It would not result in a natural extension of the existing pattern of development, nor would it make a positive contribution to the established character of the area.
7. The addition of two metre high boundaries around the site would only marginally screen the development. Furthermore, due to the proximity of the proposed dwelling to its side boundaries any landscape screening would be limited and ineffective at obscuring wider views of the proposal. As a result, boundary screening would not address the substantial harm identified to the character of the area.
8. Consequently, the proposed dwelling would result in substantial harm to the character and appearance of the area. Accordingly, the proposal would conflict with policies BDP1, BDP7 and BDP19 of the Bromsgrove District Plan (BDP)(2017), the Council's High Quality Design SPD (2019) and the National Planning Policy Framework (The Framework). These policies seek, among other matters, to ensure development enhances the character and distinctiveness of a local area and would be sympathetic to the local character.
9. Furthermore, policy BDP19n requires garden development to integrate well with the local area. As such this does not limit housing development being delivered within existing settlements, providing it would complement the character of an area.

Other Considerations

10. The benefits associated with a single dwelling would be limited even taking account of the objective of boosting significantly the supply of housing in the Framework and the Council's housing land supply position.

Other matters

11. The scheme would not result in overshadowing, a loss of privacy or outlook and would not therefore harm the living conditions of adjacent residential occupiers. It would also not raise any highway safety issues. However, an absence of harm in these respects can only be considered as neutral factors in the planning balance.

12. Paragraph 119 of the Framework requires decisions to promote a strategy that, among other matters, would make as much use as possible of Previously Developed Land (PDL). However, its glossary states that PDL excludes gardens within built up areas. The appeal site is within a defined settlement, albeit it on its edge, and therefore would not fulfil the definition of PDL as it is not a private garden within the countryside. This objective does not therefore weigh in favour of the merits of the proposal.

Planning Balance and Conclusion

13. The District Plan defines Wythall as a 'Large Settlement', which provides good access to services and public transport. The scheme would be within the settlement and make efficient use of land. Moreover, the Council is unable to demonstrate a 5-year supply of deliverable housing sites, with a substantial shortfall. As such, footnote 7 of the Framework establishes that the policies which are most important for determining the application are out-of-date.
14. However, Paragraph 219 of the Framework states that due weight should be given to relevant policies in existing plans according to their degree of consistency with the Framework. Chapter 12, of the Framework, requires development to function well, add to the overall quality of an area and be sympathetic to local character. Although the Council's design policies can be considered to be out-of-date, they display a high degree of consistency with the Framework. Therefore, the conflict between the proposal and policies BDP1, BDP7 and BDP19 should be given significant weight in this appeal.
15. Although infill development, as proposed, might be acceptable in many circumstances, this proposal would relate poorly to the settlement. Consequently, the adverse impacts of the proposal on the character and appearance of the area would significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework taken as a whole. As a result, the presumption in favour of sustainable development does not apply.
16. The proposal would conflict with the development plan as a whole and there are no other considerations, including the provisions of the Framework, which outweigh this finding. Therefore, for the reasons given, the appeal should not succeed.

B Plenty

INSPECTOR