



Appeal Decision

Site visit made on 1 February 2022 by G Sibley MPLAN MRTPI

Decision by Zoe Raygen DipURP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 22 March 2022

Appeal Ref: APP/C4615/D/21/3286946

12 Cassandra Close, Pensnett DY5 4UJ

- 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 C Perry against the decision of Dudley Metropolitan Borough Council.
 - The application Ref P21/1019, dated 11 May 2021, was refused by notice dated 17 September 2021.
 - The development proposed is detached storage building.
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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.

Main Issues

3. The main issues are:
 - the effect of the proposal upon the character and appearance of the street scene
 - the effect of the proposal upon highway safety
 - the effect of the proposal upon a nearby tree.

Reasons for the Recommendation

Character and appearance

4. The proposed storage building would be significantly smaller in scale than the dwelling and would be constructed from similar materials. Therefore, the scale and appearance of the storage building would be subordinate to the host dwelling.
5. The building would be located within the turning head for the dwelling, located in front of the driveway and forward of the main elevation and would be built perpendicular to the house. The dwelling is located at the end of the road but there is a public footpath that passes the site and given the scale of the building it would be visible above the hedgerow between the site and the footpath. Furthermore, it would be visible above any fencing that could be erected using the dwellings permitted development rights. The building would

be built at the end, but in the middle of the road and as a result there are no other buildings built in line with the proposed building.

6. The frontages of the dwellings along Cassandra Close are a mix of gardens and driveways and there are no outbuildings or garages located forward of the main elevations. The open appearance the driveways forward of these dwellings is a positive characteristic of the area and allows for an open view across the street scene. Therefore, the siting of the proposed building, even though at the end of the road, would be forward of the main elevation effectively within the road forming an incongruous addition to the street scene and eroding the open appearance forward these dwellings. Consequently, it would be an unduly dominant feature within the street scene, despite its small scale.
7. For the reasons above I conclude that the siting of the proposed storage building would harm the character and appearance of the street scene. Consequently, the proposal would be contrary to Policy ENV2 of the Black Country Core Strategy (CS) (adopted 2011) and Policy L1 of the Dudley Borough Development Strategy (DS) (adopted 2017). These policies expect development proposals to preserve and, where appropriate, enhance local character. Moreover, the proposal would be conflict with the advice contained within the House Extension Design Guide. Additionally, the proposal would not accord with the general design policies of the National Planning Policy Framework (Framework).

Highway safety

8. The proposed plan shows that the front garden would be hard landscaped which, in principle, could allow three cars to be parked in front of the house. Whilst I am unaware how many bedrooms are in the property, given the size of the dwelling I am satisfied that in all probability the dwelling is not a six-bedroom property and as a result, the three parking spaces would comply with the minimum parking standards set out in the Parking Standards Supplementary Planning Document (SPD) (adopted 2017).
9. This section of Cassandra Close is not adopted highway and is much narrower than the adopted section of the road. As a result, it would not appear to be possible to undertake a three point turn within the road. No 12 is located at the end of the road and the proposed building would be located within the turning head for the house which currently allows for vehicles to exit the property in a forward gear. The building would be too narrow to be used as a parking space and thus cars would not be able to reverse into the building to use it in a similar fashion as the turning head.
10. The submitted plans did not include a turning radius drawing so there is no technical evidence to support the case that the proposed building would not hinder the parked cars from exiting the site in a forward gear. Given the narrow dimensions of the road and the proposed location of the building, if more than a single car was parked on the driveway, I am not satisfied that it would be possible for a car parked close to the boundary with No 2 Whinberry Rise to exit the site in a forward gear.
11. Whilst other dwellings along the road have hard landscaped frontages to allow three cars to be parked on the driveway, the fundamental difference is that the road extends beyond those dwellings which would allow a car to reverse into the road and then enter into a forward gear.

12. The road is a cul-de-sac and would likely be very lightly trafficked, nevertheless, it would not be safe from a highways perspective for a vehicle to reverse the entirety of the unadopted road and to then reverse onto the adopted section of Cassandra Close before being able to enter into a forward gear. Not only would this be impractical for the occupiers of No 12 but this would be unsafe for the other vehicular and pedestrian users of this road and the adopted section Cassandra Close.
13. Given that the proposal would be the cause of this issue, I do not consider it would be possible to overcome this matter with a planning condition.
14. Therefore, the proposal would have an unacceptable effect on highway safety. Subsequently, the proposal would be contrary to DS Policy L1 and Tran 2 of the CS. These policies state that development proposals should provide adequate access, parking and provision for the manoeuvring of vehicles, with no detrimental impact on highway safety and free flow of traffic. Moreover, whilst the proposal would provide the required level of off street parking in accordance with the SPD, it would conflict with the SPD insofar as it states that when designing parking a primary requirement is to maintain road safety and the functionality of the highway which the proposal would fail to do. Moreover, the proposal would conflict with paragraph 111 of the Framework insofar as it states that development should only be prevented or refused on highways grounds if it would have an unacceptable impact on highway safety which it would in this case.

Trees

15. The Council has not stated that the affected Leyland Cypress tree is important to the character and appearance of the area or that it is covered by a Tree Preservation Order. A number of objections were submitted to the application but the majority of these relate to the overshadowing caused by this tree to neighbouring dwellings.
16. The proposed building would be close to the tree and the Council states it did not have sufficient information regarding root disturbance and any consequent impact on stability of the tree, which is close to the boundary with neighbouring properties, to reach a decision. Although the appellant has stated in his statement that the tree would be removed, this is contrary to the submitted plan which quite clearly states the tree would be retained. While I note the views of some neighbours, the Council has not had the opportunity to consider the removal of the tree and therefore I have assessed the proposal on the basis of the plan before me as considered by the Council.
17. The Council's reason for refusal in this respect references policies ENV2 of the CS and L1 of the DS which require development to be appropriate in its locality and preserve local character. The appeal site is located adjacent to a public footpath and there are several trees along this route. Consequently, the area has many trees and hedgerows, and should the proposal lead to the loss of this non-native tree it would not therefore result in the significant loss of tree cover in the area and would not materially harm the character and appearance of the area.
18. Therefore, for the reasons given above even if the proposal led to the removal of the tree its loss would not be materially harmful and there would be no conflict with the development plan in this regard.

Other Matters

19. Whilst the proposal would provide additional storage space for the occupiers of the dwelling this benefit would be limited to the occupiers of the dwelling. Given the size of the building this would be attributed very limited weight in favour of the proposal and would not outweigh the identified harm, to which I attribute substantial weight.

Conclusion and Recommendation

20. The siting of the proposed storage building would harm the character and appearance of the street scene and would harm highway safety. Therefore, the proposal would not accord with the development plan as a whole and there are no material considerations that indicate that the appeal should be determined other than in accordance with the development plan. For the reasons given above and having had regard to all other matters raised, I recommend that the appeal should be dismissed.

G Sibley

APPEAL PLANNING OFFICER

Inspector's Decision

21. I have considered all the submitted evidence and the Appeal Planning Officer's report and, on that basis, I agree and shall dismiss the appeal.

Zoe Raygen

INSPECTOR