



Appeal Decision

Site visit made on 14 June 2022

by Jonathan Edwards BSc(Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 16 June 2022

Appeal Ref: APP/P1805/W/22/3291902

6 Butterworth Close, Wythall, Birmingham B47 6AH

- 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 Miss Marion Behrens against the decision of Bromsgrove District Council.
 - The application Ref 21/01543/FUL, dated 8 October 2021, was refused by notice dated 17 December 2021.
 - The development proposed is extension of hardstanding.
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Decision

1. The appeal is dismissed.

Preliminary Matter

2. On my visit I saw that the hardstanding has been extended as indicated on the appeal drawings. My assessment is based on my observations as well as the submitted information.

Main Issue

3. The main issue is the effect of the development on the provision of public open space and whether any reduction in provision is justifiable.

Reasons

4. The appeal property (No 6) is a house on a residential cul de sac with a detached outbuilding to the front. A drive serving No 6 and its neighbour, 5 Butterworth Drive (No 5) runs from a turning head at the end of the cul de sac. A grassed and vegetated open space area directly adjoins the appeal property and the driveway. The development involves the widening of the tarmac surfacing of the drive onto land which was previously grassed with bushes to the side of the outbuilding.
5. Policy BDP25 of the Bromsgrove District Plan 2017 (BDP) seeks to retain existing sport, recreational and amenity assets. It generally resists the loss of outdoor open space and recreation facilities to other uses. However, such proposals are allowed if there is a proven surplus of provision or the community benefits of the development outweighs any loss.
6. The appellant accepts that the site of the extended hardstanding is part of a public open space area. Also, I am advised that an Open Space Audit dated 2017 (the OSA) identifies the balancing pond and area around it as amenity green space. Submitted photographs indicate that prior to the development, the strip of land formed part of the adjoining public open space and would have

been seen as such. Therefore, it is reasonable to treat the area covered by the extended driveway as part of an outdoor open space.

7. The argument is made that the extension of the driveway does not prevent public use of the land, particularly as it is not fenced off. Nevertheless, the application form and appeal submissions justify the development on the basis that it would provide additional parking for No 6 and improved vehicle turning areas for residents and visitors to No 5. Such uses would significantly undermine and discourage any recreational use of the extended hardstanding. Moreover, the hard surfacing clearly distinguishes the strip of land from the adjoining grassed and vegetated area and so it no longer appears as part of the public open area.
8. The OSA identifies a shortfall in green amenity space within Wythall. The appellant highlights previous studies which found sufficient open space in the area. However, as far as I am aware, the OSA provides the latest analysis and there is no more recent evidence before me that contradicts its findings. As such, I find there is no surplus of outdoor open space provision in the area.
9. The extended hardstanding would provide additional parking space for 1 or 2 cars which would reduce the potential for roadside parking associated with the appeal property. However, prior to the development being carried out, No 6 already had parking facilities in the form of a double garage with 2 spaces in front. While noting the photographs of cars in the turning head and damage to nearby verges, there is no evidence such as a parking audit to show that roadside parking demand close to the site is particularly excessive. The fact that most of the nearby properties have their own parking facilities suggests it may not be. Even if cars do regularly park in the road, there is limited evidence that shows this causes highway safety issues or any other significant problem. As such, the extra parking provides little benefit to the community, although it may be useful to occupiers of No 6.
10. The hardstanding would also provide a larger turning area for vehicle drivers visiting No 5. However, the extra space is small and it appears the ease of manoeuvring onto and away from No 5 depends more on the amount and positioning of parking at No 6 rather than the width of the driveway.
11. I note the photographs of damage to a tree and a wall and that the drive to No 5 and No 6 is not as wide as that on the opposite side of the turning head. Even so, I attach limited weight to any community benefit the development would have in terms of facilitating the movement of vehicles and subsequent effects on air pollution. In arriving at this view, I have had regard to the likely low levels of traffic to and from No 5 and No 6. Also, irrespective as to the amount of turning space, drivers only have to reverse a short distance from No 5's garage and parking area to reach the end of the cul de sac. There is little risk of reversing drivers meeting other vehicles given the limited number of properties on this spur of the road.
12. The amount of outdoor open space lost as a result of the development is small and a large proportion of the adjoining public area remains unaffected. Therefore, the proposal causes only a minor level of harm in these regards. Nonetheless, there is no surplus of outdoor open space in the area and the benefits of the development to the community are very limited. As such, I conclude the development has had a harmful effect on the provision of public open space and that any benefits or other considerations are of insufficient

weight to justify the reduction in provision. In these regards, the development fails to accord with BDP policy BDP25.

Other Matters

13. The extended hardstanding slopes towards the adjacent grass area and towards a drain in the original access drive. As such, I am satisfied surface water from the development is appropriately disposed of to the ground or to a drainage system. Acceptability in these regards however does not address the concerns raised in respect of the main issue.

Conclusion

14. For the above reasons, the development is contrary to the BDP when read as a whole. There is insufficient justification to grant planning permission contrary to the development plan. Therefore, I conclude the appeal should be dismissed.

Jonathan Edwards

INSPECTOR