



Appeal Decision

Site visit made on 24 May 2022

by Helen Smith BSc (Hons) MSc MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: Friday 17 June 2022

Appeal Ref: APP/C4615/W/22/3291119

28 Vicarage Road, Brierley Hill DY5 2PS

- 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 Kevin Finch against the decision of Dudley Metropolitan Borough Council.
 - The application Ref P21/1916, dated 13 October 2021, was refused by notice dated 2 December 2021.
 - The development proposed is a new detached dwelling.
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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, the living conditions of the existing occupiers at the host dwelling, in respect of the provision of outdoor amenity space.

Reasons

Character and Appearance

3. The appeal site is located on Vicarage Road, close to its junction with Amblecote Road. The site currently forms part of the side garden to 28 Vicarage Road (No 28). The site is positioned on a corner plot with a mature hedgerow fronting the street. Due to the open nature of the site and its hedge-lined frontage, the appeal site in its present form makes a positive contribution to the character and appearance of the area.
4. The surrounding area is predominantly residential. It is characterised by a mix of detached and semi-detached dwellings, which are generally set back from the road behind front gardens with private gardens to the rear. Although plot sizes vary in the immediate vicinity, the corner plots tend to have relatively more space around them than the other dwellings.
5. The proposed dwelling would be located significantly closer to the street frontage than the host dwelling and the neighbouring dwelling at 27 Vicarage Road (No 27), whose front elevations are set further back from the road. Whilst lower and slightly angled away from the adjacent 2-storey dwellings, the proposed dwelling would nonetheless be viewed in the context of the host dwelling and No 27 and would appear significantly forward of their established building line. As a result of its more prominent location, the proposed dwelling would appear as a dominant, highly visible, and incongruous feature within the

- wider street scene and would not maintain the sense of separation between dwellings and their street frontages which is a characteristic of the area.
6. Furthermore, the presence and massing of the proposed dwelling would significantly erode the sense of openness and space which is a feature of this large, prominent corner plot. The contribution the appeal site makes to the character and appearance of the street scene in its current undeveloped form would be lost. Also, the size of the plot, its location and the scale of the dwelling, would result in the proposal appearing cramped and at odds with the prevailing pattern of development in the locality.
 7. I acknowledge that No 2 Vicarage Road is sited close to the street frontage, however due to its orientation and positioning, its built form is in line with the neighbouring properties at No 4 and 6. It therefore does not protrude beyond the established building line, unlike the appeal proposal.
 8. The mature hedgerow that fronts the appeal site's boundary has significant visual value due to its size, thickness, and curved arrangement on the street corner. The removal of the hedgerow and its replacement with hard boundary treatment, such as a dwarf wall, would have a significant and detrimental effect upon the character and appearance of the area. I note the appellant's suggestion that a soft landscaping condition could be imposed. However, given the proposed new access points into the appeal site, I am not persuaded that there would be sufficient space on the plot frontage to compensate for the hedgerow loss.
 9. Therefore, for the reasons given, the proposed development would have a harmful effect upon the character and appearance of the area. As such, the proposal would fail to accord with Policies CSP4, ENV2, ENV3, HOU1 and HOU2 of the Black Country Core Strategy (2011) (Core Strategy), and Policies L1 and S6 of the Dudley Borough Development Strategy (2017) (Development Strategy). In combination, these policies seek to ensure that development applies principles of good urban design which protects local distinctiveness and the character and appearance of the area. The proposal would also fail to comply with the Council's New Housing Development SPD (2013) (SPD), which amongst other things, seeks to ensure developments achieve good design principles.
 10. In addition, the proposal would fail to accord with the design objectives of the National Planning Policy Framework (Framework) and the National Design Guide (2019).

Living Conditions

11. The proposed dwelling would occupy a large proportion of No 28's existing garden land, resulting in a reduction of garden space for the host dwelling. The remaining private garden space for the host dwelling would be located to the rear of the dwelling.
12. As the host dwelling is a large family home, the remaining private garden space would not be large enough to provide sufficient private amenity space for the needs of a family. There would not be adequate space to accommodate a range of garden activities, such as outdoor seating, clothes drying, nor sufficient usable space for children to play.

13. Furthermore, due to the limited depth of the rear garden and its northly orientation, the rear garden would not receive much sunlight which would contribute towards the inadequacies of the private amenity space.
14. The Council's SPD (2013) indicates that a family home should provide a minimum length of 11m of rear private amenity space. The depth of the proposed rear garden for the host dwelling would fall short of this requirement. The proposal would therefore harmfully reduce the outdoor private amenity space for No 28.
15. The appellant suggest that the front garden area would provide adequate amenity space and that privacy could be achieved by the erection of appropriate boundary treatments and landscaping. My attention is brought to other nearby properties that have mature planting and or walls in the front garden area. Whilst I acknowledge some variety of front boundary treatments in the locality, given the appeal sites prominent position on a corner plot, the use of hard boundary treatments, such as timber fencing and/or brick walls, to create privacy at the frontage of No 28 would be visually detrimental to the street-scene. Furthermore, the Council's SPD is clear that private amenity space should be provided at the rear of dwellings, which is the prevailing character of the area.
16. Therefore, the proposal would not provide adequate living conditions for the occupants of the host dwelling having regard to the amount of private outdoor amenity space. As such, the proposal would fail to accord with Policies CSP4, ENV3, HOU2 of the Core Strategy (2011), and Policy L1 of the Development Strategy (2017). Collectively, these policies seek to protect the amenity of neighbouring occupiers through high quality design. The proposal would also fail to comply with the Council's SPD (2013), which amongst other things, seeks to ensure developments provide a good quality of life for residents by adequate provision of private amenity space.
17. In their reason for refusal regarding this issue, the Council cite Policies ENV2 and HOU1 of the Core Strategy (2011) and Policy S6 of the Development Strategy (2017). However, it seems to me that these policies do not relate to residential amenity. Accordingly, I do not consider that these policies are relevant to this main issue. Nonetheless, the proposal would fail to accord with the Framework (para 130), where it seeks to promote health and well-being, and a high standard of amenity for existing and future users.

Other Matters

18. The proposal would lead to construction work and other economic and social benefits arising from future household spending on services and facilities in the local area, which would contribute to maintaining the vitality of the area. However, given that the proposal is for a single dwelling it would have a very limited impact in this regard, and is a matter of insufficient weight to change my conclusion.
19. Whilst the proposal would make a small contribution to the delivery of housing for the area on a site that is accessible to a range of services, facilities and sustainable modes of transport, the weight of this small benefit would not be sufficient to justify the harm I have identified.

Conclusion

20. The proposal conflicts with the development plan as a whole, and there are no material considerations worthy of sufficient weight that would indicate a decision other than in accordance with it. The appeal should therefore be dismissed.

Helen Smith

INSPECTOR