
Appeal Decision

Site visit made on 5 July 2022

by Helen Smith BSc (Hons) MSc MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 5 August 2022

Appeal Ref: APP/Z3445/W/22/3292720

38 Fossdale Road, Stonydelph, Tamworth B77 4BX

- 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 Stephen Harrison against the decision of Tamworth Borough Council.
 - The application Ref 0438/2021, dated 9 September 2021, was refused by notice dated 22 November 2021.
 - The development proposed is a new 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;
 - the living conditions of future occupants, with specific regard to garden and internal space; and
 - highway and pedestrian safety.

Reasons

Character and Appearance

3. The appeal site is part of the curtilage to No 38 and is currently occupied by a single storey garage attached to its side elevation. Nos 30 to 38 are a row of five two storey terraced dwellings whose consistency of design, width, scale, fenestration rhythm and materials lend a pleasant uniformity to the street scene which contributes positively to the character and appearance of the area. No 30 also has a single storey garage attached to its side elevation, lending a strong symmetry to the group. This would be an equally positive feature.
4. Whilst proposing materials to match the existing terrace and replicating the position and relationship of windows and doors, the proposed dwelling would be noticeably narrower than the other dwellings. As well as being unreflective of remainder of the terrace, its design features would appear squeezed on the front elevation. These factors would combine to unacceptably disrupt the uniform rhythm of the terrace. In addition, the development of the end of the terrace in place of the garage would eliminate the symmetry of the group, adversely affecting its collective harmony.

5. Although the surrounding area represents a sustainable location for residential development, the proposal would nonetheless be unacceptably harmful to the surrounding character and appearance of the area for the reasons I have given.
6. The proposal would therefore fail to accord with Policy EN5 of the Tamworth Borough Council Local Plan 2006-2031 (adopted February 2016) (Local Plan), which, amongst other things, seeks to ensure new development is of a scale, layout and massing which conserves or enhances the setting of the development.

Living Conditions

7. The proposed dwelling would have a garden created out of part of that belonging to No 38. It would be narrower and in the region of 38sqm. This would fall more than marginally short of the minimum 60sqm size set out by the Council's Design Supplementary Planning Document 2019 (SPD). As a two bedroom, three person dwelling, which could be for a small family, this would be of limited size that would feel equally constrained, reducing the quality and level of practical use unacceptably.
8. The appellant suggests that the proposal's garden area could be increased to around 45sqm by the re-positioning of the gate at the rear. This may address the shortfall in the proposed garden's length against the SPD's requirements. However, in area terms this would still fall short of what is an expressed minimum requirement of 60sqm. Furthermore, this suggestion would create an awkwardly shaped strip of land at the rear that would limit its usability.
9. The internal floor area of the proposed dwelling would be well below the minimum set out for a two bedroom, three person dwelling by the Government's Technical Housing Standards – Nationally Described Space Standard (NDSS). These standards are recommended by the SPD. Whilst other dwellings in the terrace may also, their existence pre dates both documents.
10. Whilst the SPD recommends following NDSS, the internal areas of the dwelling would be very narrow. This would give rise to an unacceptably restrictive feel to rooms, particularly the ground floor space. In quality terms therefore, and as a result of the limited floor area, the interior of the proposed dwelling would be poor.
11. With this and the above in mind, the proposed development would fail to provide acceptable living conditions for future occupiers. Policy EN5 does talk about living conditions but only in the context of those of neighbouring land. I cannot therefore conclude against the development plan in regard to this main issue. The appeal scheme would nonetheless conflict with the advice of the SPD. The aims of which I have set out in that it seeks to ensure appropriate living conditions for occupiers of dwellings as a result of new development.

Highway and Pedestrian Safety

12. The appeal site is near to a road junction and is located on a bus route and a distributor road for the wider residential estate. This leads to pedestrian and vehicle movements in and around the locality.
13. The Council's Local Plan Appendix C Car Parking Standards require 2-bedroom dwellings to provide 2 off-road parking spaces. No 38 currently has a single

- garage with 1 parking space in front of the garage which complies with the parking standards.
14. The proposal would remove the existing garage attached to No 38 and would include a new driveway in front of the proposed dwelling, utilising the existing dropped kerb. This would result in the loss of a parking space within the garage for No 38 and would create only 1 parking space for the proposed new dwelling. The proposal would therefore fall short of the Council's parking requirements resulting in inadequate provision of off-road parking.
 15. I note the amended drawing showing 2 proposed parking spaces for the host dwelling. I also observed during my site visit that parking space had been created at the front of No 38 by paving the frontage, which would provide off-road parking for the host dwelling. Whilst this is likely to meet the recommended parking standards of 2 off-road parking spaces for the host dwelling, there would still be only 1 parking space for the proposed new dwelling.
 16. Consequently, the proposal is likely to result in vehicles being parked on-street within the locality of the appeal site. As Fossdale Road is a distributor road it provides access for pedestrians and cyclists to nearby local primary schools and other services and facilities in the local area. Therefore, vehicles would be parked on the road at a point where it would be likely that pedestrians and vehicles would be regularly passing by. Vehicles parked on the road would reduce visibility for drivers and would obstruct cyclists, pushing them towards oncoming traffic and creating a potential hazard from car doors opening. It would also reduce visibility of drivers leaving the appeal site. Furthermore, any inconsiderate parking on the footway would result in hazards for pedestrians from car doors opening and the narrowing of the footway, which would reduce access for pedestrians, children's pushchairs and wheelchair users. This would result in unsafe conditions for pedestrian and vehicular users of the highway.
 17. Whilst the level of car ownership for households in the area might show that some have one or no cars, the evidence also shows there is a high percentage of households with two, three or more. The evidence does not provide me with a breakdown of the type of properties. I also acknowledge that some residential properties in the past have been allowed with few or no parking spaces.
 18. The proposal before me is for a 2-bedroom dwelling that could be occupied by a small family of 3 persons. Whilst the appeal site is reasonably well located in regard to services, such a family is likely to require use of one or more private vehicles and therefore space to park. Off-road parking space would also be required for visitors. In these circumstances, I am not satisfied that taking a more flexible approach to the parking standards would be appropriate and as such there is no convincing reason why the appeal site should not provide the required 2 spaces.
 19. Some properties within the terrace have paved over their front gardens to create two parking spaces, and a dropped kerb has been installed. Although this may lead to a reduced on-street parking demand in the locality of the appeal site, this does not lead me to a different conclusion. I have identified harm with the proposal for the reasons explained.

20. The appellant argues that the existing single garage does not provide adequate modern parking width provision, but I have not been presented with any details of modern-day car widths or the precise dimensions of the garage. However, and in my opinion, it is likely that the single garage would still be suitable for one car, even if that is a smaller one.
21. My attention has been drawn to photographs showing the parking situation on Fossdale Road. However, this is a snapshot in time on a weekend only. I therefore attribute it limited weight.
22. Consequently, and the reasons I have given, the proposal would result in an unacceptable impact on highway and pedestrian safety. As such, it would fail to accord with Policies SU2 and EN5 of the Local Plan. Collectively, and in regard to this main issue, these policies seek to ensure developments provide adequate highway safety for all users. In addition, the proposal would also fail to accord with paragraph 111 of the National Planning Policy Framework, which states that development should be refused on highway grounds if there would be an unacceptable impact on highway safety.

Other Matters

23. The proposal would make a contribution to the local housing stock as a 2-bedroom dwelling. Such a contribution would be small in the grand scheme and thus the weight I would ascribe to it would be limited.
24. Jobs would be created during the construction phase and the proposal would contribute to the social and economic viability of the community, arising from future household spending on services and facilities in the local area. However, given that the proposal is for a single dwelling, it would have a very limited impact in these regards, and would thus be a matter of insufficient weight to change my conclusions.
25. The appellant claims that the proposal would be built to standards that exceed the current building regulations with high levels of insulation and high-performance windows and doors. In addition, low water use appliances would be used. Whilst this would be a laudable approach, it would not be sufficient to make the proposals acceptable in light of the harms that I have found.

Conclusion

26. 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