
Appeal Decision

Site visit made on 1 August 2022

by Tamsin Law BSc MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 23 August 2022

Appeal Ref: APP/P1805/W/22/3296449

478 Groveley Lane, Cofton Hackett, Rednal, Birmingham, B45 8UG

- 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 Nimmi Steward against the decision of Bromsgrove District Council.
 - The application Ref 22/00100/FUL, dated 20 January 2022, was refused by notice dated 14 March 2022.
 - The development proposed is a detached 3 bedroom bungalow.
-

Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are;
 - The effect of the proposed development on the character and appearance of the area; and
 - The effect of the proposed development on the living conditions of nearby residents, in particular regards to outlook.

Reasons

Character and Appearance

3. The appeal site comprises an area of land which currently forms part of the rear garden of 478 Groveley Lane. The appeal site is accessed from Ashmead Drive. Although properties in the vicinity are of different design styles and construction ages, the area largely comprises evenly spaced detached and semi-detached two and three storey dwellings set in generous plots with long rear gardens. The plots sizes, structure, and uniformed appearance of the dwellings on the eastern side of Ashmead Drive, are noticeable features that make an important and positive contribution to the character of this part of Ashmead Drive. Additionally, dwellings are in a frontage layout, set back from the highway behind front gardens and parking areas, which combined with the hedgerow boundary features and trees in gardens, creates a pleasant sense of spaciousness and verdant feel.
4. The submitted plans detail a very small curtilage, significantly lacking the spaciousness of others around it, leading to a much higher building to space ratio. It would result in a cramped form of development which would be at odds with and erode the established development pattern and urban grain of the area.

5. Whilst my attention has been drawn to other development in the locality, the design of dwellings and their plot sizes differs considerably and, in any event, I consider that this would not justify allowing development that harms the character and appearance of the area.
6. As such, it would be contrary to Policies BDP7 and BDP19 of the Bromsgrove District Plan (2017) (DP) and the guidance contained within the High Quality Design Supplementary Planning Document (2019) (SPD). These policies, amongst other things, require that new development enhances the character and local distinctiveness of an area. The proposed development would also be at odds with paragraph 130 of the National Planning Policy Framework (the Framework) which seeks to ensure development are visually attractive and sympathetic to local character.

Living Conditions

7. At present the host dwelling is served by a long rear garden and garage. The proposed development would introduce a dwelling in the location of the existing garage. The proposed dwelling would be located approximately 7 metres from the side elevation of No 1 Ashmead Drive, its front door and its windows into its entrance hallway, kitchen and bathroom. The Council's SPD states that a separation distance of 12.5 metres should be maintained between dwellings where a flank wall faces a window.
8. The location of the proposed dwelling close to the side elevation and windows of No 1 combined with its height and depth could potentially have a detrimental effect on the outlook from these windows. However, most of these windows are not into habitable rooms. Nevertheless, the proximity of the proposed dwelling to the kitchen window would significantly restrict levels of light entering it, which would result in the room it serves being unduly gloomy to the detriment of its usability and the occupants of No 1.
9. The appeal site adjoins the rear garden of 476 Groveley Lane and the proposed development would also be visible from 474 Groveley Lane. Groveley Lane slopes upwards towards the appeal site and it is therefore in an elevated position. The orientation of the proposal would mean that its rear elevation would be in close proximity to the boundary of No 476. Both the side and rear elevations would be visible from No 476 and the rear elevation from the garden of No 474.
10. This elevated position combined with the two storey nature of the proposal and its close proximity to the garden and rear elevation of No 476 would create a dominant feature which would have an overbearing effect on the outlook from both the garden and rear facing rooms of No 476. Despite the same relative elevated position of the proposal, the same cannot be said of No 474, given the separation distance between the proposal and its garden and habitable rooms.
11. I conclude that the proposed development would significantly harm the living conditions of the residents of No 1 Ashmead Drive and No 476 Groveley Lane, with particular reference to outlook and light contrary to DP Policy BDP1 and the guidance contained within the SPD which seek, amongst other things, to ensure that the impact on residential amenity is considered and that overshadowing and overbearance is avoided. The proposed development would also be contrary to paragraph 130 of the Framework that seeks high standards of amenity for existing users.

Other Matters

12. The Council advises that it cannot demonstrate the supply of housing sites required by the Framework. I am therefore taken to paragraph 11 of the Framework. The most important policies would be out of date. As the erection of a single dwelling, the proposal would make a very limited contribution to any housing undersupply. The scale of the scheme would accordingly limit its associated socio-economic benefits. Paragraph 130 of the Framework requires that developments are visually attractive and sympathetic to local character and have high standards of amenity for existing users. I have found that the proposal would cause unacceptable harm on the character of the area and living conditions of neighbouring residents in the manner I have described above. I ascribe significant weight to these harms which would be long lasting. Therefore, and in regard to the specific circumstances of this case, the adverse impacts of granting a planning permission would significantly and demonstrably outweigh the benefits. It would not therefore be sustainable development for which the presumption in favour applies.

Conclusion

13. The appeal scheme would conflict with the development plan and there are no material considerations, including the approach of the Framework, which would indicate a decision other than in accordance therewith. The appeal should therefore be dismissed

Tamsin Law

INSPECTOR