



Appeal Decision

Site visit made on 3 October 2022

by S Crossen BA (Hons) PgCert PgDip MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 01 November 2022

Appeal Ref: APP/K3415/W/22/3300119

18 Brookside Road, Mile Oak, Tamworth B78 3NR

- 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 Dave Thomas against the decision of Lichfield District Council.
 - The application Ref 21/02095/FUL, dated 15 December 2021, was refused by notice dated 24 March 2022.
 - The development proposed is erection of 2 bed dormer bungalow.
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Decision

1. The appeal is allowed and planning permission is granted for erection of 2 bed dormer bungalow at 18 Brookside Road, Tamworth, B78 3NR in accordance with the terms of the application, Ref 21/02095/FUL, dated 15 December 2021, and the plans submitted with it, subject to the conditions set out in the attached schedule.

Main Issue

2. The main issue is the effect of the proposal on the character and appearance of the area.

Reasons

3. Within the street the proposed bungalow would face, there are a mix of house types, hipped roof semi-detached houses, bungalows and rows of terraced houses with hipped and gable roofs. Within the same row of houses facing the highway, there are pairs of semi-detached houses which are staggered in relation to one another. Although a corner property, it is unusual in the street as it is the corner to a footpath with the house opposite some distance away with a public parking area with a grass area between. Opposite the road are two other corner houses which are perpendicular to the proposed bungalow.
4. The proposed bungalow would sit forward of the existing house, but the building line here is not consistent with some variation along the same row. The proposed position of the bungalow in the street and its massing would be similar to the existing relationship between the existing outbuilding and houses. The proposed bungalow reflects the existing mix of house types which includes bungalows so would not be unduly intrusive integrating well with the existing streetscene. There would also remain sufficient space between buildings so that the proposed bungalow would not appear cramped.
5. The proposed bungalow would also project forward of the perpendicular line of houses to the rear. Taking account of the tall front boundary treatment of these houses, the proposed design, which would be single storey with a roof

sloping away from this boundary, the proposed private garden to the side, which would be in line with the front gardens of these houses would preserve a sense of spaciousness, minimising any impact to the existing character of corner plots here.

6. The proposed bungalow roof pitch although steeper than adjacent houses would not be significantly steeper to be incongruous, the design would also reflect the gables seen at other properties in the street and the height is lower than the roofs of adjacent houses.
7. I conclude that the proposal would not adversely affect the character and appearance of the area. It therefore accords with Core Policy 3 and Policy BE1 of Lichfield District Council, Local Plan Strategy 2008 – 2029 adopted February 2015 and relevant policies in the National Planning Policy Framework. These policies and this guidance seek, amongst other things, new development to provide good design that is sustainable and appropriate to its location, scale and function.

Conditions

8. I have had regard to the conditions suggested by the Council. I have imposed a condition specifying the approved plans as this provides certainty. I have imposed conditions requiring the development to be constructed from materials to match the existing dwelling and requiring details of landscaping and boundary treatment in order to protect the character and appearance of the area. I have imposed a condition requiring that parking areas are consolidated and drained within the site in the interests of managing surface water runoff. I have imposed a condition requiring the widening of the access in the interests of highway safety. I have imposed a condition requiring cycle parking to encourage different modes of transport.
9. I have not imposed the suggested condition regarding land levels, finished floor levels, ridge and eaves heights because the submitted plans are sufficient in detail and so this requirement is unnecessary. I have not imposed the suggested condition for the inclusion of bird boxes because this condition has not been justified that it is necessary or relevant to the development being permitted. I have not imposed the suggested condition regarding the removal of certain permitted development rights as I do not consider that such a condition is justified having regard to the scale and nature of the proposal and to paragraph 53 of the Framework which states that planning conditions should not be used to restrict national permitted development rights unless there is a clear justification to do so.

Conclusion

10. For the above reasons and having regard to all matters raised, I conclude that the appeal should be allowed.

S Crossen

INSPECTOR

SCHEDULE OF CONDITIONS

- 1) The development hereby permitted shall begin not later than three years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the approved plans: Existing Location Plan & Site Plan BR5/01/01, Proposed Site Plan BR5/01/02, Bungalow Plans BR5/01/03 REV C, Bungalow Street Scene BR5/01/04 REV A.
- 3) Prior to any development above slab level, samples and details of all external materials to be used including details of manufacturer, product name, coursing of brickwork and roof tiles shall be submitted to and approved in writing by the local planning authority, and the development shall only be carried out in accordance with the approved details.
- 4) Prior to the development being brought into use there shall be submitted to and approved in writing by the local planning authority a scheme of walling and fencing, whether or not shown to be erected on the approved plan. The approved scheme shall be fully implemented prior to the development being brought into use and retained in perpetuity.
- 5) Prior to the development being brought into use the existing access within the limits of the public highway shall be increased in width by 1.8m to the East and fully implemented.
- 6) Prior to the development being brought into use all areas shown on the approved plans to be used by vehicles shall be completed in a porous bound material. These areas shall not be used for any other purpose thereafter.
- 7) Prior to the development being brought into use there shall be submitted to and approved in writing by the local planning authority details of a secure weatherproof cycle parking facility. The approved scheme shall be fully implemented prior to the development being brought into use and retained in perpetuity.
- 8) Prior to the development being brought into use there shall have been submitted to and approved in writing by the local planning authority a scheme of landscaping.
- 9) All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of the building or the completion of the development, whichever is the sooner; and any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.