



Appeal Decision

Site visit made on 11 October 2022

by Elaine Moulton BA (Hons) BPI MRTPI

an Inspector appointed by the Secretary of State

Decision date: 2 November 2022

Appeal Ref: APP/Z3445/W/22/3298697

15 Tamworth Road, Amington, Tamworth B77 3BS

- 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 Hugh Smith against the decision of Tamworth Borough Council.
 - The application Ref 0024/2022, dated 17 January 2022, was refused by notice dated 31 March 2022.
 - The development proposed is the change of use of an existing tattoo studio (Sui Generis) to residential (C3), creation of an additional dwelling unit, demolition of an existing garage and the erection of a detached 1-bedroom bungalow, with associated off street parking and external amenity space.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. Notwithstanding the description of development set out above, which is taken from the application form, the appeal plans show an attached, rather than detached, 1-bedroom bungalow. Whilst the description on the Council decision notice also refers to a detached bungalow, it is clear from the submitted officer report that the decision was based upon consideration of an attached bungalow. I have therefore determined the appeal based on the development as detailed on the appeal plans.

Main Issues

3. The main issues are:
 - Whether appropriate living conditions would be provided for future occupiers of the proposal, with particular regard to garden area;
 - The effects of the proposal on the character and appearance of the area; and
 - Whether the proposal would have a harmful effect on sustainable transport, with particular regard to the provision of cycle storage facilities.

Reasons

Living conditions

4. The appeal site is physically constrained due to its limited depth. However, there is currently a private garden area, serving the existing dwelling, enclosed

by the two-storey building and garages within the site. The proposed single storey extension would result in the loss of that garden area. No private garden space would be provided for the three dwellings that are proposed on the site.

5. LP Policy EN5 requires that development maximises health benefits through, both, the incorporation of usable open space, and footpaths and links to the wider green infrastructure network. Green infrastructure in the area can be easily accessed from the site. Nevertheless, some useable open space should be incorporated into the development to fully comply with the policy. Guidance on the amount of external space that applicants are encouraged to provide are set out in the Tamworth Design Guidance Supplementary Planning Document.
6. Given the size of the proposed dwellings, it would be a reasonable expectation that a private garden space of adequate size is provided for purposes such as sitting out and the drying of laundry. Even if the living conditions of the occupants would be acceptable in all other regards, in the absence of any useable private garden space the needs of the occupants of the development would not be met.
7. Reference has been made to other schemes for flats or apartments in the Borough. However, there are no details of the circumstances of those cases by which I could draw any meaningful comparisons between those and this proposal. The other developments therefore have very limited weight, and each case should be determined on its individual merits anyway.
8. I conclude, therefore, that appropriate living conditions would not be provided for the future occupiers with regard to garden area. Consequently, the proposal would not accord with LP Policy EN5 and guidance in the Framework insofar as they seek to secure a high standard of design that delivers appropriate amenity for future users.

Character and appearance

9. The appeal site contains a two-storey building and an L shaped flat roofed garage which sits forward of that main building.
10. The proposed development would involve the demolition of the garage and the construction of a single storey extension. The extension would be sited further back from the front boundary than the existing garage, broadly in line with the existing building to be retained. It would be constructed in materials, with simple architectural details that would match the existing building.
11. Buildings in the locality of the site exhibit great variation, including semi-detached and terraced dwellings, and three-storey blocks of flats. The single storey nature of the extension is not characteristic of the area. Nonetheless, the design and height of the extension would sit comfortably with the varying design and scale of the surrounding buildings. Moreover, the removal of the existing garage, which looks neglected, would improve the appearance of the area.
12. Concern has been expressed about the provision of bin storage units on the site frontage, which would be the only available position. I consider that there is sufficient space on the site frontage, in addition to the provision of parking spaces, to accommodate adequate bin storage. I am satisfied that an appropriately worded condition could secure suitably designed bin storage that would not harm the street scene.

13. Overall, the design of the proposal is an appropriate response to the existing character of the building and the place it is within and would contribute in a positive way to improving the character and quality of the area.
14. Consequently, the proposal would not harm the character and appearance of the area. It would accord with the design aims of Policy EN5 of the Tamworth Local Plan 2006-31 (LP) and the National Planning Policy Framework (the Framework).

Cycle storage

15. The submitted details do not include provision for cycle storage. However, there is space to the front of the site that could accommodate adequate cycle storage, as well as bin storage and parking spaces, to serve the development. Therefore, I am satisfied that, if the appeal proposal were acceptable in all other respects, cycle storage could be secured by a suitably worded planning condition.
16. On that basis, I conclude that the appeal proposal would not have a harmful effect on sustainable transport, with regard to the provision of cycle storage facilities and would accord with the sustainable transport aims of LP Policy SU2.

Other matters

17. The appellant refers to a tilted balance. There is, however, no information within the submissions indicating that the Council is currently unable to demonstrate a five-year housing land supply or that relevant development plan policies are out-of-date for other reasons. Consequently, there is no reason to conclude that para 11d) of the Framework is engaged and that a tilted balance should be applied in the decision.
18. The proposal would provide a modest contribution of two dwellings to the supply of houses and a boost to the local economy, which would be small given the scale of the scheme. The proposal would also provide a visual improvement to the site by the removal of the garage. However, even if para 11d) of the Framework was engaged, the harm arising due to the inadequacy of the living conditions of the occupants of the proposal would significantly and demonstrably outweigh such benefits.

Conclusion

19. Whilst I have found that the proposal would not be harmful to the character and appearance of the area and adequate cycle storage could be provided, this does not outweigh the harm arising due to the inadequate living conditions that I have identified. The proposed development, therefore, conflicts with the development plan when considered as a whole and there are no material considerations, either individually or in combination, that outweighs the identified harm and associated development plan conflict.
20. I hereby dismiss this appeal.

Elaine Moulton

INSPECTOR