



Appeal Decision

Site visit made on 24 October 2022

by **Emma Worley BA (Hons) Dip EP MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 7th November 2022

Appeal Ref: APP/P1805/W/22/3290354

Land to the rear of 6 St. Catherines Road, Blackwell B60 1BN

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a grant of planning permission subject to conditions.
 - The appeal is made by Mr David Jones on behalf of Goldcrest against the decision of Bromsgrove District Council.
 - The application Ref 21/01086/FUL, dated 25 June 2020, was approved on 8 October 2021 and planning permission was granted subject to conditions.
 - The development permitted is described as 'Dwellinghouse (retrospective)'. The condition in dispute is No 10 which states that: '*Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking and re-enacting that Order) no development included within Schedule 2, Part 1, Classes A to E shall be carried out without express planning permission first being obtained from the Local Planning Authority*'.
 - The reasons given for the conditions is: '*The Local Planning Authority considers that further development could cause detriment to the amenities of the occupiers of nearby properties and to protect the visual amenity and openness of the area and for this reason would wish to control any future development to comply with policies BDP1 and BDP19 of the Bromsgrove District Plan, the High Quality Design SPD, Policy BD3 of the Lickey and Cofton Hackett Neighbourhood Plan 2018-2030 and the NPPF*'.
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Decision

1. The appeal is allowed and the planning permission Ref 21/01086/FUL for a dwelling house on land to the rear of 6 St. Catherines Road, Blackwell, B60 1BN granted on 8 May 2021 by Bromsgrove District Council, is varied by deleting condition 10.

Preliminary Matters

2. I note the suggestion that the dwelling has not been constructed in accordance with the approved plans, as well as comments regarding the effects of the development in general, on various other interests including drainage and land stability, but this appeal is confined solely to the need for condition 10.
3. I have deleted the word 'retrospective' from the description of the development in my decision because it is a term that is not relevant for the purposes of considering the merits of the case.

Background and Main Issues

4. Planning permission for the dwelling included a condition removing permitted development rights for extensions to the new dwelling, including additions and alterations to the roof, as well as the erection of outbuildings.

5. The main issues are whether the condition is reasonable or necessary in the interests of the character and appearance of the area and the living conditions of occupiers of nearby properties.

Reasons

Character and appearance

6. The appeal property is a recently constructed detached dwelling. It is sited on a parcel of land to the rear of 6 St Catherines Road (No 6), which previously formed part of the rear garden to No 6. Whilst some of the neighbouring properties continue to occupy large spacious plots, the layout of the surrounding development encompasses a number of buildings located on smaller plots to the rear of the properties which front St Catherines Road. These include dwellings to the rear of the school and church, as well as existing detached outbuildings to the rear of the adjoining property at 8 St Catherines Road (No 8). It has also been brought to my attention that there is an extant planning permission for the erection of a detached dwelling on land to the rear of No 8 in a similar position on the site to the appeal property, however this has not yet been implemented.
7. Any sense of openness created by the undeveloped nature of the large gardens to the rear of the properties is therefore reduced by the erection of the appeal property, as well as the surrounding development. This is likely to be more so in the event that the new dwelling at No 8 is constructed.
8. The enlargement of the property, through the erection of extensions and outbuildings allowed by permitted development rights would not give rise to an overly large development in relation to the plot or harm the character and appearance of the area through loss of openness. As such the dwelling, together with permitted development additions, would comply with Bromsgrove Local Plan 2017 (BLP) Policy BDP19, which seeks high quality design, including that development enhances the character and distinctiveness of the local area. It would also accord with advice in the Council's High Quality Design Supplementary Planning Document June 2019 (SPD) which sets out that high quality design is crucial to ensure that the character and appearance of an area is not harmed but also enhanced and Policy BD3 of the Lickey & Blackwell and Cofton Hackett Neighbourhood Plan January 2020 (NP) which requires development proposals on garden land to retain the existing character of the residential area.
9. Accordingly, I find that the disputed condition is not reasonable or necessary in the interests of the character and appearance of the area.

Living conditions

10. The dwelling is located some distance from the neighbouring properties, including the rear elevations of the existing properties fronting St Catherines Road. Whilst it is sited slightly further back on the plot than the proposed dwelling to the rear of 8 St Catherines Road, the dwelling is set in from the side boundary and the existing boundary wall. Permitted development rights would allow the erection of potentially significant extensions and outbuildings to the property, however, it has not been demonstrated that any of the additions would cause tangible harm in terms of the living conditions of occupiers of neighbouring properties.

11. In light of the above, the dwelling, together with permitted development extensions, would comply with BLP Policy BDP1, in so far as it requires regard to be had to the impact of development on residential amenity. It would also accord with advice in the Council's SPD, which among other things requires development to protect neighbouring amenity and Policy BD3 of the NP which sets out that such development will only be appropriate provided it addresses factors including the amenity and privacy of residential neighbours.
12. I therefore conclude that the disputed condition is not reasonable or necessary, having particular regard to the living conditions of the occupiers of nearby properties.

Other Matters

13. I acknowledge that the appeal proposal is an amended scheme, which modified an earlier proposal to take into account concerns raised by the Council regarding the size of the dwelling. However, I have assessed the current proposal on the basis of the information before me. Furthermore, the fact that a similar condition has been imposed on previous planning permissions for a dwelling on the site has no bearing on my decision.

Conclusion

14. The appeal is therefore allowed and the original permission is varied by deleting the disputed condition.

Emma Worley

INSPECTOR