The Planning Inspectorate

Appeal Decision

Site visit made on 20 September 2022 by Darren Ellis MPlan

Decision by John Morrison BA (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 05 December 2022

Appeal Ref: APP/V4630/D/22/3302894
29 Little Aston Road, Aldridge, Walsall WS9 0NP

- 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 Sukhjiwan Kailey against the decision of Walsall Metropolitan Borough Council.
- The application Ref 22/0542, dated 14 April 2022, was refused by notice dated 30 June 2022.
- The development proposed is a new double garage and confirmation of material finishes.

Decision

1. The appeal is dismissed.

Appeal Procedure

2. The site visit was undertaken by an Appeal Planning Officer whose recommendation is set out below and to which the Inspector has had regard before deciding the appeal.

Background and Main Issue

3. Planning permission was granted in 2021 for the erection of 5 bed detached replacement dwelling[1], which included an integrated double garage. The appellant now seeks to use the area of the integrated garage for habitable space and to build a detached double garage in the front garden. The main issue is the effect of the garage on the character and appearance of the locality.

Reasons for the Recommendation

4. The appeal property is a two-storey detached dwelling on the southern side of Little Aston Road. The properties along this part of the road are set back from the street with generous front gardens and driveways, and the buildings follow a strongly defined building line. Most of the front boundaries have low walls, railings and/or hedges of various heights. As a result, this part of Little Aston Road has a distinctive and spacious character.

5. The driveway area of the appeal property contributes positively to the spacious character of the area. The proposed garage would be positioned adjacent to the front boundary and therefore would be forwards of the predominant building line of the road and would have a minimal set back from the road. The garage

[1] Planning application ref. 21/0847

would be approximately half the width of the front garden which would result in a cramped appearance. The garage would also add clutter to the front of the property and would therefore be an unsympathetic addition to the street scene. Furthermore, it would be at odds with the prevailing character due to its scale and position forward of the established building line. Consequently, the structure would detract from the distinctive and spacious character of the street.

6. Whilst the materials and design seek to reflect the character of approved replacement dwelling, this would not mitigate for the impact on the spacious character of the street frontage arising from the unsympathetic location of the structure, as described above.

7. Although the existing hedge would provide some screening of the garage, it would still be visible to those approaching the site from the east. A condition requiring the retention and maintenance of the existing hedge would not alter this. As such it would not mitigate the visual impact of the garage.

8. I understand that the property at No 33 has had planning permission granted for a garage to the front of the dwelling and forwards of the building line, however no substantive details of this planning permission, including the reasons why it was considered to be acceptable by the Council, have been provided. Nevertheless, No 33 is situated on a corner plot with a much larger front garden than the appeal property. Based on the image provided by the appellant the garage at No 33 would be set away from the street, unlike the appeal proposal, and would not appear cramped given the size of the front garden at No 33. For these reasons the approved garage is not directly comparable to the appeal proposal before me.

9. For the reasons given, the proposed garage would cause harm to the character and appearance of the locality. The proposal would therefore be contrary to Policies CSP4 and ENV2 of the Black Country Core Strategy (February 2011) and Saved Policies GP2 and ENV32 of the Walsall Unitary Development Plan (March 2005), which all require development proposals to take account of the context and surroundings, to protect local distinctiveness and to preserve or enhance local character. The proposal would also fail to comply with the guidance in Policy DW3 of the Designing Walsall Supplementary Planning Document (Revised July 2013), which states that all new development must be designed to respect and enhance local identity.

Other Matters

10. The proposal includes solar panels which would be situated on the roof of the garage. The panels would provide a modest amount of renewable energy to the appeal property and thus be environmentally beneficial. However, and given its scale, this would not outweigh the harm identified above. The question regarding which planning applications are decided by the planning committee is a matter for the Council in the first instance and falls outside the scope of this appeal.

Conclusion

11. For the reasons given above and having had regard to all other matters raised, I recommend that the appeal should be dismissed because of the conflict with the development plan and there being no material considerations worthy of

sufficient weight which indicate that a decision should be made other than in accordance therewith.

Darren Ellis

APPEAL PLANNING OFFICER

Inspector's Decision

12. I have considered all the submitted evidence and the Appeal Planning Officer's report and, on that basis, I agree with the recommendation and shall dismiss the appeal.

John Morrison

INSPECTOR