



Appeal Decision

Site visit made on 24 January 2023

by R E Jones BSc (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 2nd March 2023

Appeal Ref: APP/P1805/W/22/3304104

Land rear of Willow Road and New Road, Sidemoor, Bromsgrove B61 8PC

- 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 Martyn Floyd against the decision of Bromsgrove District Council.
 - The application Ref 21/01343, dated 29 July 2021, was refused by notice dated 2 February 2022.
 - The development proposed is erection of new dwelling houses on previously developed land.
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Decision

1. The appeal is allowed and permission in principle is granted for a minimum of 1 dwelling and a maximum of 2 dwellings on land rear of Willow Road and New Road, Sidemoor, Bromsgrove B61 8PC, in accordance with the terms of application Ref 21/01343, dated 13 August 2021.

Preliminary Matters

2. The proposal is for permission in principle. The Planning Practice Guidance (PPG) advises that this is an alternative way of obtaining planning permission for housing-led development. The permission in principle consent route has 2 stages: the first stage (permission in principle stage) establishes whether a site is suitable in-principle and the second stage (technical details consent) is when the detailed development proposals are assessed. The appeal proposal is at the first stage.
3. The scope of the considerations for permission in principle is limited to location, land use and the amount of development. All other matters are considered as part of a subsequent technical details consent application if permission in principle is granted. I have determined the appeal accordingly.
4. The PPG also advises that any decision notice granting permission in principle must indicate the amount of residential development expressed as a range. Accordingly, I have amended the description in my decision, from that in the application form, to refer to the minimum and maximum number of dwellings.

Main Issue

5. Whether the site is suitable for residential development, having regard to location, land use and the amount of development proposed.

Reasons

6. The appeal site is an irregular parcel of overgrown land, predominantly located behind the residential frontages of dwellings facing New Road, Willow Road and Willow Gardens. A long, thin section of the site leading from New Road connects to a wider portion of land that has a generous length and a modest width. This area borders the garden boundaries of Nos 13 and 15 Willow Road (Nos 13 and 15) and No 3a Willow Road (No 3a).
7. During my site visit, I observed that the adjacent bungalow at No 3a shares some similarities with the appeal site in terms of the curtilage's shape, size and backland location. The bungalow maintains generous separation distances from rear windows of neighbouring dwellings at New Road, Willow Road and Willow Gardens. While it is sited close to other neighbouring boundaries, its single storey scale ensures it is not overly prominent within its context and proximity to nearby private gardens. The boundary treatment around No 3a prevents harmful overlooking from its ground floor windows into neighbouring gardens.
8. Given the appeal site's narrow width a single or pair of dwellings could be positioned close to the side and rear boundaries of Nos 13 and 15. However, those properties have long rear gardens that would ensure that their associated rear windows and rooms would maintain a generous distance from the nearest dwelling proposed at the appeal site. This spatial relationship would prevent any harmful effects that the proposal could have on outlook and daylight/sunlight at Nos 13 and 15.
9. The bungalow at No 3a is sited close to the appeal site's western boundary. Yet, the appeal site's length would enable the layout and scale of future residential development to be rationalised within the site in a way that would prevent any harmful loss of privacy, outlook and daylight/sunlight to No 3a's occupiers.
10. The Council has assumed that future dwellings at the site would have first floor windows that would harmfully overlook occupiers residing at Nos 3a, 13 and 15. The proposal's scale and appearance, however, would be determined at the technical details stage. Nonetheless, the bungalow at No 3a demonstrates that a single storey dwelling can be built on a site with similar proportions and distances from neighbouring dwellings as the appeal site without harming the privacy of neighbouring occupiers.
11. While up to two dwellings would occupy a large portion of the appeal site, I see no reason why that arrangement could not be achieved given its generous length and equivalent plot size to other properties in the area. The existing boundary enclosures along the rear of neighbouring properties, along with nearby mature landscaping would also ensure that mutual overlooking from a future dwelling(s) into neighbouring properties could be adequately mitigated, particularly relating to ground floor windows.
12. The Council's concerns are limited to the effect on neighbouring living conditions, therefore I have understood there to be no dispute between the main parties in terms of the proposal's impact on local character and appearance.
13. Consequently, I am satisfied that the amount of development and the location proposed would be acceptable in this case.

14. The appeal site's location in a residential area close to existing dwellings would ensure it is consistent with the locality's predominant land use. Moreover, the presence of the adjacent bungalow at No 3a behind the surrounding residential frontages would not result in a further dwelling in this backland context appearing unfamiliar in land use terms.
15. Accordingly, the proposal would be acceptable in terms of land use, location and amount of development. For these reasons, it therefore accords with Policy BDP1 of the Bromsgrove District Plan 2011-2030, adopted January 2017 and the guidance in the Bromsgrove High Quality Design SPD as it is compatible with adjoining uses and would not harm residential amenity. It would also align broadly with Section 12 of the National Planning Policy Framework's (Framework) guidance relating to development being sympathetic to local character and of a high standard of amenity for existing and future occupiers.
16. The Council's refusal notice indicates that the scheme is contrary to Paragraph 11 of the Framework. However, I have not assessed the scheme against that part of the Framework as I have not found any harm necessary to engage the terms of that paragraph. Nonetheless, there are no matters which significantly and demonstrably outweigh the advantages of increasing housing supply, even though the amount involved in this case would be limited.

Other Matters

17. Whilst concerns have been raised by local residents with regard to scale, design, parking, highway safety and flood risk, these are all matters that would be addressed at the Technical Details Consent Stage.
18. The PPG advises that it is not possible for conditions to be attached to a grant of permission in principle and its terms may only include the site location, the type and amount of development.
19. In terms of any disruption caused to neighbouring occupiers, this could be resolved through an appropriate set of construction management arrangements to be agreed at the technical details stage.

Conclusion

20. For the reasons set out above, I conclude that the appeal should be allowed.

RE Jones

INSPECTOR