



Appeal Decision

Site visit made on 14 February 2023

by S Crossen BA (Hons) PgCert PgDip MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 20 March 2023

Appeal Ref: APP/P1805/W/22/3307363

19 Brook Crescent, Hagley, Worcestershire DY9 0QE

- 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 Brandon Hadlington against the decision of Bromsgrove District Council.
 - The application Ref 21/01855/FUL, dated 29 November 2021, was refused by notice dated 30 June 2022.
 - The development proposed is for the erection of 1 No. detached chalet bungalow with parking area set out to allow 2 No. parking spaces for existing house No. 19 Brook Crescent.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The description of development used in the heading above is taken from the planning application form. However, for clarity, I have omitted the details provided in brackets (Re-submission of refused application Ref:21/00440/FUL – dated 14-10-2021) regarding a previous planning decision because this is not a description of development.

Main Issue

3. The effect of the development on the character and appearance of the area

Reasons

4. The appeal site is part of the garden of a large semi-detached house at the end of a cul-de-sac of large semi-detached and detached houses which all front the highway. Many of these houses have been extended to the side and have outbuildings and other structures in their rear gardens. Although not all the same size these gardens are larger than those seen at neighbouring housing estates. The houses at the end of the cul-de-sac also have large gardens, however these are a little different as they extend 45 degrees from the highway making them wider than they are deep.
5. A new detached 3 bedroom house is proposed with a low roof eaves which is described on the plans as being a chalet bungalow. The house would be located on the side garden area of number 19 and would be accessed from the highway by a shared drive with number 19. Two parking spaces are proposed to serve each the proposed house and number 19. The garden area directly to the rear of number 19 would be retained for this house.

6. To the rear and side of the appeal site is a recently built estate of large, detached houses. These houses differ in character due to their age and because their plots are smaller than those on Brook Crescent with smaller and less established gardens.
7. The sub-division of number 19 to provide an additional house, set back behind houses fronting the highway, is contrary to the existing pattern of development, although glimpses of other structures and outbuildings can be seen from the highway, these are seen as ancillary structures, whereas the new house would be clearly visible as such, with windows and doors. The sub-division of the garden would also mean that the new house and number 19 would have significantly reduced garden size which is out of character and would be apparent from the cramped appearance of the additional new house at the side of number 19.
8. The design of the new house would include a chalet bungalow design which includes low eaves with windows extending from the elevation into the roof plane. This is an unusual design which would not integrate with the design of any nearby houses. A shared drive with number 19 is also proposed which would be an unusual relationship in the street.
9. Although the new house would be set back from the highway it would still be visible from the public realm and at the turning head of a cul-de-sac where there is a lot of activity from residents and visitors turning vehicles to exit the cul de sac, which amplifies the harm that views of this new house here would have on the character and appearance of the area.
10. I therefore conclude that the proposed house would result in significant harm to the character and appearance of the area. As such, the development is contrary to policies BDP7 and BDP19 of the Bromsgrove District Plan 2011-2030 adopted January 2017 (BDP) and chapter 12 of the National Planning Policy Framework (the Framework). These policies and this guidance seek, amongst other things, new development to provide good design that is appropriate to its location, scale and setting and that development of garden land will be resisted unless it fully integrates into the residential area.

Other Matters

11. I note the appellant's comments about the appeal site having good access to services, facilities and public transport, the lack of objection to the house design, that the amenity of neighbours and future occupiers in terms of garden space, drainage, noise, overbearing impact, overlooking or light raise no issues, and the provision of safe parking and access. However, in reaching my decision I have had regard to these other matters, but they do not overcome the harm that I have identified above.
12. I recognise that there are no technical planning concerns, that neither the Highways department or the Environment Agency object and that the appeal site is not in a Conservation Area. However, the absence of harm in these regards does not weight positively in favour of the proposal. The Council has acknowledged that it cannot demonstrate a five year housing land supply, which the appellant states is 3.21 years. In such circumstances, paragraph 11(d) of the Framework indicates that the policies which are most important for determining the appeal are out of date, and that planning permission should be granted unless any adverse impacts of doing so would significantly and

demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole. The relevant policies are consistent with chapter 12 of the Framework and can therefore be given moderate weight.

13. The proposed development would provide an additional infill, windfall dwelling which would contribute to the provision of housing in the district. The proposal is situated in an accessible area and makes effective use of land. However, given the scale of the proposed development, any social and economic benefits arising from a single house would be relatively limited. Therefore, in this case, even if the shortfall in supply is significant, the adverse impacts of granting planning permission would significantly and demonstrably outweigh the limited benefits, when assessed against the policies in the Framework taken as a whole, including those seeking to boost the supply of homes and achieve well designed places. The proposed development does not therefore benefit from the presumption in favour of sustainable development.
14. I also recognise the need identified in paragraph 8.64 and policy BDP7 of the BDP for bungalows and for 2 and 3 bedroomed properties. However, regardless of the physical appearance of the house, it is two storeys, so might not be suitable for some people with the special needs identified in paragraph 8.64 of the BDP.

Conclusion

15. As stated, the proposed development is contrary to a number of development plan policies and although the Council's five year housing land supply position means that the most important policies for determining this appeal are considered to be out of date, the proposed development is nevertheless contrary to the development plan when taken as a whole. There are no material considerations of sufficient weight that indicate the appeal should be determined otherwise in accordance with the development plan.
16. Therefore, for the above reasons, I conclude that the appeal should be dismissed.

S Crossen

INSPECTOR