



Appeal Decision

Site visit made on 28 February 2023

by David Jones BSc (Hons) MPlan MRTPI

an Inspector appointed by the Secretary of State

Decision date: 24 March 2023

Appeal Ref: APP/V4630/W/22/3306876

6 Linden Lane, Willenhall WV12 5NX

- 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 Graham Griffiths against the decision of Walsall Metropolitan Borough Council.
- The application Ref 21/1339, dated 7 September 2021, was refused by notice dated 24 June 2022.
- The development proposed is a 2 bedroom detached bungalow with parking to the rear.

Decision

1. The appeal is dismissed.

Procedural Matter

2. The description of development on the application form includes reference to a detached garage. However, prior to the determination of the application amended plans were submitted which included the omission of the garage. The description of development set out in the header above has been taken from the Council's decision notice as it more accurately describes the amended scheme.

Main Issue

3. The main issue is the effect of the proposed development on the character and appearance of the area.

Reasons

4. The appeal site is located within a predominately residential area and comprises the existing property at 6 Linden Lane, a brick-built bungalow with attached garage, and its curtilage. The site forms a corner plot which is bounded by Pinewood Close to the north and Linden Lane to the east. Dwellings which occupy corner plots have generally retained their generous plot sizes and are set back from the highway, providing a spacious and open feel which contributes positively to the area.
5. The appeal proposal seeks the erection of a detached two-bedroom bungalow, which would be located between the side elevation of the existing dwelling and the site's boundary with Pinewood Close. Whilst the design and appearance of the proposed dwelling would be similar to No 6 and other bungalows in the locality, the development would result in the majority of the space to the side of No 6 being lost thus eroding the spacious and open nature of the prominent corner plot.

6. Additionally, although the proposed bungalow would maintain the consistent building line of existing properties along the western side of Linden Lane, it would sit significantly forward of the building line of properties on Pinewood Close. As a result, the proposed development would appear overly dominant within the street scene causing further harm to the character and appearance of the area. This impact would be further exacerbated by the site's exposed and prominent corner plot location.
7. I acknowledge that the existing single storey garage at No 6 sits marginally forward of the building line of existing dwellings on Pinewood Close. However, given its modest scale and size the garage does not detract from the spacious and open nature of the corner plot, and it has little impact on the general pattern and form of development in the surrounding area. Accordingly, its presence does not weigh in support of the appeal proposal.
8. The appellant has drawn my attention to developments that have been carried out at other nearby corner plot properties. I observed during my site visit though that these developments were strikingly different to the appeal proposal, as they related to extensions or alterations to the existing dwellings which largely retained the spacious nature of their corner plots. Consequently, the developments referred to by the appellant do not justify the harm which I have identified that the appeal proposal would cause.
9. I therefore conclude that the proposed development would cause harm to the character and appearance of the area. The development would conflict with saved Policies GP2 and ENV32 of the Walsall Unitary Development Plan (adopted March 2005), Policies CSP4, ENV2, ENV3 and HOU2 of the Black Country Core Strategy (adopted February 2011), and Policy HC2 of the Walsall Site Allocation Document (adopted January 2019). These policies seek, amongst other matters, that development proposals take account of the context and surroundings, protect local distinctiveness, and 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. I note that the application was recommended for approval by Council Officers but was refused by committee. I have also had regard to the officer report that went to that meeting. This is a legitimate procedure and committee members are not obliged to take the advice of their officers. The fact that the case was determined by members, contrary to the recommendation of officers, does not alter my conclusion on the main issue.
11. According to the Council, the site is located within 15km of the Cannock Chase Special Area of Conservation (SAC) and therefore, given the nature of the proposal, it would fall within the thresholds for having a significant impact on the SAC from recreational pressures. Ordinarily a competent authority such as myself would therefore need to carry out an Appropriate Assessment. However, as I have found against the appellant on the main issue, and therefore planning permission is to be refused, this matter need not be considered any further in this case.

Planning Balance

12. The Council has confirmed that it is currently unable to demonstrate a five year supply of housing land. Therefore, the most important policies for the determination of the application are out of date and I am taken to paragraph 11(d) (ii) of the National Planning Policy Framework (the Framework), which sets out 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.
13. I have found that the proposed development would cause harm to the character and appearance of the area. This harm would be long lasting, and as such I ascribe it substantial weight. It would be contrary to the aims of the Framework in regard to its requirements for high quality and contextually appropriate developments which function well and add to the overall quality of the area, as specifically set out by section 12.
14. The proposal would provide economic and social benefits through the construction phase and the additional contributions of the occupiers to the local economy. The one new dwelling would also contribute to the supply of housing and the Council's shortfall. Given the scale of the proposed development contributions would be modest and in some cases time limited. As such, I ascribe these benefits limited weight.
15. I accept that the appeal site is within an existing settlement and thus future occupiers would have good access to services. This would however need to be the case for the principle of the proposed development to be acceptable. It would, in any event, be a lack of harm rather than a benefit to the scheme.
16. With that in mind, the adverse impacts of the development would significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework taken as a whole. The proposal would not therefore represent sustainable development for which the presumption in favour applies.

Conclusion

17. The proposed development would conflict with the development plan when considered as a whole and there are no material considerations, either individually or in combination, that outweigh the identified harm and associated development plan conflict. The appeal is therefore dismissed.

David Jones

INSPECTOR