



Appeal Decision

Site visit made on 9 November 2022

by K Ford MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 11 May 2023

Appeal Ref: APP/K3415/W/22/3301304

24 Holly Grove Lane, Burntwood, Staffordshire WS7 1LU

- 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 Murrell against the decision of Lichfield District Council.
 - The application Ref 21/01977/FUL, dated 23 November 2021, was refused by notice dated 22 February 2022.
 - The development proposed is erection of a 2 bedroom detached dwelling.
-

Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are:
 - The effect on the character and appearance of the area.
 - The effect on protected species.

Reasons

Character and Appearance

3. The appeal site is open garden land in a prominent corner location to the side of No 24 Holly Grove Lane in a residential area characterised by a mix of 2 storey dwellings and bungalows. Other corner plots in the immediate vicinity also have side gardens similar to No 24 providing a sense of openness in an otherwise built up area.
4. The proposed dwelling would be located close to the road in a prominent location. The bulk and massing of the development would be clearly visible creating a cramped, incongruous and obtrusive development. The development would harm the character and appearance of the area and therefore conflict with the parts of Policy CP3 and BE1 of the Lichfield Local Plan Strategy (Local Plan Strategy) which requires new development to protect and enhance local character and distinctiveness, carefully respect the character of the surrounding area and have a positive impact on public realm and ensure high quality design. It would also conflict with Policy B5 and B6 of the Burntwood Neighbourhood Development Plan. Amongst other things, these policies require new development to seek to enhance and reinforce the distinctiveness of different neighbourhoods, consider the site's relationship to the street and road pattern and integrate with and make a positive addition to the public realm.

Effect on Protected Species

5. The site lies within the catchment area of the Cannock Chase Special Area of Conservation (SAC). The SAC is designated for its internationally important habitat and species. Policy CP13 and Policy NR7 of the Local Plan Strategy requires that any development leading to a net increase in dwellings within a 15km radius of the SAC would be deemed to have an adverse impact on the SAC due to additional recreational pressure unless or until satisfactory avoidance and/ or mitigation measures have been secured.
6. The Council seeks financial contributions for the mitigation of new dwellings within a 0-8km zone. As the financial contribution has not been secured I cannot be satisfied that the new dwelling would not detrimentally impact on the Cannock Chase SAC. The proposal would therefore fail to comply with the National Planning Policy Framework which aims to conserve and enhance biodiversity and avoid significant harm. It would also conflict with Policy CP13 and Policy NR7 of the Local Plan Strategy. In addition to the points identified above, these policies require designated sites to be protected from damage as a result of development and must demonstrate that alone or in combination with other development it will not have an adverse effect either directly or indirectly on the integrity of the Cannock Chase SAC.
7. The appellant in their final comments has indicated a willingness to commit to providing the required financial contribution, suggesting that the matter can be dealt with through a planning condition. Notwithstanding that the appellant's proposed wording of the planning condition would not comply with the guidance in the Planning Practice Guidance, a negatively worded planning condition may resolve the matter. However, the appeal would not turn on this matter given the harm I have found to the character and appearance of the area.

Other Matters

8. The appellant identifies a number of elements of the scheme in support of their case. This includes accessibility of the site to public transport and local shopping facilities, that it would not harm local wildlife and provide amenity space, car parking, refuse storage and adequate visibility splays along with fencing to provide privacy to the occupiers of neighbouring dwellings. However, these are standard requirements within a development and therefore not a benefit of the scheme. I consequently give the inclusion of these design features neutral weight.
9. The appellant has also referenced other developments in support of their case. However, none are directly comparable to the case before me due to the differences in location and development. In any event, each case is determined on its own merits and my assessment is based on the information before me.

Conclusion

10. For the reasons identified, I conclude that the appeal should be dismissed.

K Ford

INSPECTOR