



Appeal Decision

Site visit made on 18 May 2023

by K Stephens BSc (Hons) MTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 14th June 2023

Appeal Ref: APP/G4620/W/23/3315872

15 Devon Crescent, Sandwell, West Bromwich B71 1BQ

- 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 Taranjit Sanghera against the decision of Sandwell Metropolitan Borough Council.
 - The application Ref DC/22/67357, dated 2 August 2022, was refused by notice dated 7 December 2022.
 - The development proposed is erection of 2no. bedroomed semi-detached 2 storey residential houses.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The Council's refusal reasons did not contain reference to any specific development plan policies and none had been submitted with the appeal. At my request, the Council has confirmed that the relevant policies in this appeal are Policies ENV3 and CSP4 of the Black Country Core Strategy (the 'BCCS') and Policies SAD H2 and SAD EOS9 of the Site Allocations & Delivery Development Plan Document (the 'SAD'). Relevant extracts and standards from the Council's Revised Residential Design Guide (the 'Design Guide') have also been submitted. The appellant has been given the opportunity to comment.

Main Issues

3. The main issues in this appeal are i) the effect of the proposed development on the character and appearance of the area, and ii) whether or not the proposed development would provide acceptable living conditions for future occupants with regard to the provision of private amenity space.

Reasons

Character and appearance

4. The appeal site comprises part of the land belonging to one half of a pair of semi-detached properties and a parcel of overgrown land and a path to the side of the host property (No.15). The site is located on a bend in the road within an established residential estate with predominantly semi-detached and terraced dwellings. Most properties have driveway parking for at least one car, with some parking at the end of the cul-de sac for those without driveways. I saw there was space for a small car to park alongside No.15 as well as space on the existing driveway. There are no parking restrictions in Devon Crescent and I

saw some on-street parking. Due to the bend of the road and the adjacent parcel of land, the site occupies a spacious location that positively contributes to the character and appearance of the street scene.

5. The proposal would involve the erection of a pair of 2-bedroom semi-detached dwellings located principally on the overgrown part of the appeal site. The driveway of No.15 would be reduced in width to help create a frontage in front of the proposed dwellings wide-enough to accommodate 1 parking space for each dwelling. The driveway to No.15 would be reduced in width so that a small vehicle could no longer park alongside the dwelling. Instead, a single, tight parking space would be created on the narrowed front driveway for 1 vehicle.
6. The provision of 1 parking space per 1-2 bedroom dwelling accords with the Council's parking standards for the two proposed dwellings. If No.15 is a 3-bed dwelling, which is likely considering it is wider and bigger than either of the proposed dwellings, then the loss of a parking space for this dwelling could increase pressure to park on the road.
7. Furthermore, the parking standards require the provision of 1 visitor space per 3 dwellings for development of less than 10 dwellings. As the proposal involves making changes to the size of the plot for No.15 and reducing its parking, in addition to the erection of 2 new dwellings, the development overall amounts to 3 dwellings for which a visitor space is required but is not provided, that would out pressure for more cars to be parked on the road.
8. The site tapers and narrows towards the road. This would result in a combined frontage of three properties being dominated by tightly arranged parking that would create a cramped frontage and reduce the openness of the site. The tapering site would also reduce the width of the driveway entrance that would make it more difficult for cars to park and easily manoeuvre, especially if occupants have larger vehicles. It would also make it more difficult and inconvenient for occupants to be able to get in/out of their cars and use their driveways.
9. The dwellings would be positioned very close to the site boundaries, making it difficult for people to get alongside the houses to use for bicycles or bring refuse bins from the back garden where they should ideally be stored as indicated in the Council's Design Guide. If refuse and recycling bins have to be stored on the front drive, this would further restrict the usability of the driveways for parking. In addition, the tightly constrained parking leaves little space that is not restricted by vehicle parking for pedestrians to access the dwellings.
10. If driveway space is unduly narrow or perceived as such, or too small, awkward or inconvenient to use, occupants are more likely to park their vehicles on the road. For two dwellings, plus No.15, this could potentially displace the parking of 3 households onto the road in close proximity to each other. This would reduce the openness of the corner and erode the character of the street.
11. The proposed development has been shoe-horned into a site that is too small, resulting in a cramped form of development that amounts to overdevelopment and poor design. The proposed development would fail to positively contribute to the street scene. Accordingly, the proposal would be contrary to BCCS Policies ENV3 and CSP4 and SAD Policies SAD H2 and SAD EOS9. Collectively

these seek to promote high quality design, which is an essential element of good place-making, and ensure that development makes a positive contribution to the area. Poor design will be rejected. The proposal would also be contrary to the guidance in the Council's Design Guide.

Private amenity space

12. There is no dispute that the internal floor area of the proposed dwellings would accord with both the Council's, and the national, minimum internal space standards for dwellings. However, the amount of private amenity space, or outside garden areas, does not conform with the Council's space standards in its Design Guide. For family plots such as those proposed, private amenity space should be no less than 70m² in area or 10.5 metres in length.
13. On the plans, the appellant has stated the areas of the side and rear garden private amenity space. Plot A has a particularly irregular-shaped garden with most of the private amenity space to the side of the dwelling and a very short garden space at the rear. The rear and side garden would amount to about 61m² in area. For Plot B, the rear and side garden would be about 65m² in area. Furthermore, by comparing approximately the 6m length of a car space shown on the Highway Authority's email about parking provision, neither back garden would likely be 10.5m long.
14. Therefore, the private amenity space proposed for both dwellings would fail to meet the minimum size requirements set out in the Council's Design Guide and hence would fail to provide enough private amenity space. This would adversely affect the living conditions of future occupants. There would be no loss of the private rear garden for the host property No.15. Accordingly, the proposal would be contrary to BCCS Policies ENV3 and CSP4 and SAD Policies SAD-H2 and SAD EOS9, whose aims have been outlined above. It would also be contrary to the Council's Design Guide.

Other Matters

15. The appellant considers the proposal would meet a demand for affordable housing to rent in the local area. I have not been presented with any housing or local needs survey evidence to demonstrate this. Furthermore, a legal planning obligation has not been entered into with the Council and submitted to secure the housing for local needs and/or for rent.
16. I saw the site was well located to local shops and services and bus stops. However, this does not justify or outweigh the harm of allowing poorly designed and inappropriate development.
17. I acknowledge the appellant's concerns with the Council's handling of the case. From the submitted emails it is clear the Council advised the appellant of its concerns and of its intention to refuse the scheme for 2 dwellings. There is no obligation for the Council to share a draft decision notice or report with the appellant before it makes its decision. Notwithstanding the above, in reaching my decision I have been concerned only with the planning merits of the case.

Conclusion

18. For the reasons given above I conclude that the appeal should be dismissed.

K. Stephens INSPECTOR