



Appeal Decision

Site visit made on 11 September 2023

by L Hughes BA (Hons) MTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 20 October 2023

Appeal Ref: APP/C3430/W/23/3320370

11 Kelso Gardens, Perton, Staffordshire WV6 7XS

- 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 Trevor Sayce against the decision of South Staffordshire District Council.
 - The application Ref 23/00121/FUL, dated 14 February 2023, was refused by notice dated 5 April 2023.
 - The development proposed is Erection of a Fully Accessible Bungalow in the Grounds of 11 Kelso Gardens with Associated Parking and Landscaping.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The Council have confirmed that in light of comments received from Staffordshire County Council's Highways Department withdrawing their objections to the proposed development, they no longer wish to defend the third reason for refusal in the decision notice in respect of access from the public highway to the parking and turning facilities. I therefore do not address this matter in the reasoning below.
3. The main issues are:
 - a) the effect of the proposed development on the character and appearance of the area; and
 - b) whether the proposed development would provide adequate living conditions for the occupants of the host property and future occupants of the new dwelling, in respect of privacy and outlook.

Reasons

Character and appearance

4. The proposed development would be located in the garden of an existing bungalow in a cul-de-sac within the village of Perton. The cul-de-sac comprises semi-detached bungalows which are similar in size and design. The bungalows are set back from the road with open front gardens, which give an impression of greenery and openness. The general uniformity of the dwellings gives a harmonious pattern of development, and a cohesiveness which adds positively to the character and appearance of the area.
5. I noted from my site visit that the bungalows in Kelso Gardens have ample off-street parking and driveways, which provides a degree of space and separation

- between the properties. This prevailing pattern of separation between the pairs of semi-detached properties adds to the balanced form and regular rhythm of development and contributes positively to the street scene.
6. In contrast, the proposed dwelling would have less space between itself and the adjacent bungalows than is typical for the locality. This lack of space would introduce a cramped and incongruous form of development that would be out of keeping with the layout and rhythm of built form in the immediate area. The appellant has suggested that the proposed development would form a stop end to the street and contain the space rather than let it ebb away. However, the space makes an important contribution to the open feel of the cul-de-sac and the character and appearance of the area.
 7. Although the proposal would not differ from the existing properties in terms of materials used, the proposal is for a detached bungalow, which would be at odds with the existing pattern of semi-detached properties in the cul-de-sac. The existing properties are hipped to the front whereas the proposal is positioned so that the gable end is front facing. The existing bungalows follow a consistent pattern around the cul-de-sac and are similarly orientated with none having their principal elevation at the gable end. The uncharacteristic orientation of the proposed bungalow would therefore interrupt and unbalance the pattern of development of the cul-de-sac and fail to integrate well with the neighbouring bungalows. Although views of the proposed bungalow would be localised, it would be in a relatively prominent position towards the head of the cul-de-sac when viewed from the entrance to Kelso Gardens, and its orientation would be out of character with the street scene.
 8. The rear elevation of the proposal would be located close to the fence boundary with The Parkway and would be visible over the existing fence line. I saw from my site visit that this would be at odds with the prevailing pattern of development in this locality, where properties are generally set further back from the boundary, which gives an overall impression of spaciousness and greenery. Due to its positioning, the proposed development would be an incongruous feature when viewed from The Parkway and would have an adverse effect on this street scene.
 9. I acknowledge that the plot size of 11 Kelso Gardens is larger than other plots in the cul-de-sac. However, I disagree with the appellant that this results in the application site being out of character with the surrounding properties which the proposed development would address. The host dwelling and the space around it is characteristic of the locality, whilst the proposal would lead to a harmful loss of openness within the street scene.
 10. On the issue of character and appearance, I therefore conclude that the proposal would be contrary to Policy EQ11 of the South Staffordshire Core Strategy 2012 which states that proposals should respect local character including that of surrounding development, and contribute positively to the street scene; principles set out within the South Staffordshire Design Guide 2018 which highlights that development should fit in with the existing street scene; and the National Planning Policy Framework (the Framework) which seeks to ensure that development is well designed.

Living conditions

11. Due to the proposal's positioning and close proximity to the host dwelling, there would be issues with privacy for both the occupants of the host dwelling and the future occupants of the proposed bungalow. Although at an angle, the proposed bungalow's front door would be close to one of the front windows of the host dwelling. Upon entering and leaving the proposed bungalow, visitors and residents of the proposal would be able to see into the host property's front window, and likewise visitors to and the residents of the host property would be able to see directly into the proposed bungalow's bedroom two which would face onto the shared driveway. Adequate living conditions would not therefore be provided in terms of privacy for both occupiers of the host property and future occupants of the new dwelling.
12. I consider that bedroom one and the lounge and kitchen area of the proposed bungalow would have a satisfactory outlook over the garden area. I also consider that the outlook from bedroom two over the shared driveway, although not so attractive, would also be acceptable. I therefore consider that the proposal would provide adequate living conditions in relation to outlook to both occupants of the host dwelling and future occupants of the proposed dwelling.
13. On the issue of whether the proposed development would provide adequate living conditions for the occupants of the host property and future occupants of the new dwelling, I find that adequate living conditions would not be provided in terms of privacy, but would be in terms of outlook. This would be contrary to Policy EQ9 of the South Staffordshire Core Strategy which seeks to protect residential amenity.

Other Matters

14. The proposal would deliver a new dwelling in a sustainable location which has good access to services and facilities, and would support the Government's objective of significantly boosting the supply of homes. However, this does not outweigh or alter my conclusion on the main issues.

Conclusion

15. The proposal would therefore conflict with the development plan when taken as a whole, and there are no material considerations which would indicate a decision other than in accordance with the development plan.
16. For the reasons given above the appeal should be dismissed.

L Hughes

INSPECTOR