



Appeal Decision

Site visit made on 11 October 2023

by H Smith BSc (Hons) MSc MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 20 November 2023

Appeal Ref: APP/Q1825/W/23/3319235

22 Beoley Road West, Redditch, Worcestershire B98 8LX

- 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 Mohammed Farooqui against the decision of Redditch Borough Council.
 - The application Ref 22/00845/FUL, dated 17 June 2022, was refused by notice dated 10 February 2023.
 - The development proposed is erection of 1 new dwelling house.
-

Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are the effect of the proposal on the:
 - character and appearance of the area; and
 - living conditions of future and neighbouring occupiers, with regard to privacy and outdoor amenity space.

Reasons

Character and Appearance

3. The appeal site is located to the rear of 18-22 Beoley Road West (No 18-22) and next to a small block of low-rise garage units. No 18-22 are traditional terraced properties of similar architectural style, arranged in a linear layout.
4. The prevailing use in the surrounding area is residential, and dwellings are generally arranged in terraces or semi-detached houses following broadly linear building lines.
5. The appeal site is positioned on a corner plot next to the junction of Stevenson Avenue and a private access road. The site is part of an area of former garden land with an existing small outbuilding and a mature roadside hedge. Despite its current overgrown and untidy state, the site's open nature and hedge-lined frontage contributes positively to the general open and spacious character and appearance of Stevenson Avenue. This is further enhanced by the general lack of built development along Stevenson Avenue due to long back gardens, the grounds of St George's C of E School and Nursery, mature trees, and the open grounds of the Catholic Church opposite, despite the brick boundary wall.
6. I am aware that the appellant intends to use external materials sympathetic to the existing traditional buildings found within the vicinity of the appeal site.

Also, I understand that the design of the proposal before me is a scaled back version of a previous submission. Nonetheless, I must consider the appeal before me on its own merits.

7. Whilst the height of the proposed dwelling would be lower than the existing buildings at No 18-22, it would nevertheless be viewed in the context of these buildings and would not follow their established building line. Moreover, due to the orientation and positioning of the proposed dwelling, it would not be in line with the nearby dwellings that back onto the private access road. Consequently, the proposed dwelling's orientation and alignment would not be consistent with the surrounding linear pattern of development.
8. In addition, unlike the proposed dwelling, the front elevations of the existing dwellings face away from Stevenson Avenue and the private access road. Therefore, the proposed dwelling would not respect the arrangement of existing dwellings in the surrounding area. As a result of its prominent location on a corner plot, the proposed dwelling would appear as a dominant, highly visible, and incongruous feature within the street scene.
9. Furthermore, the presence and massing of the proposed dwelling would significantly erode the sense of openness and space which is a feature of this appeal site. The contribution the appeal site makes to the character and appearance of the street scene in its current open form would be lost. Moreover, the proposal would appear cramped and at odds with the prevailing pattern of development in the locality due to the constrained size and awkward shape of the plot, the scale of the proposed dwelling, and its close siting to the site's boundaries.
10. The mature hedgerow that fronts the appeal site's boundary along Stevenson Avenue has visual value due to its size and thickness. The partial removal of the hedgerow and its replacement with hardstanding material to facilitate the proposed parking space, would have a detrimental effect upon the character and appearance of the area. I note the appellant's suggestion that details for soft landscaping and parking provision could be secured by planning conditions. However, I am not persuaded that there would be sufficient space on the plot frontage to compensate for the hedgerow loss.
11. I acknowledge that there are some garage buildings and outbuildings within the surrounding residential plots. Nevertheless, these are smaller than the proposal before me.
12. For the reasons given, the proposal would have a harmful effect upon the character and appearance of the area. As such, the proposal would fail to accord with Policies 5, 39 and 40 of the Borough of Redditch Local Plan No 4 (2017) (BORLP). Collectively, these policies, amongst other things, seek to ensure new development is of high quality design that positively contributes to the character of the area and integrates with the distinctive features of the surrounding environment. The proposal would also fail to comply with guidance contained in the Borough of Redditch High Quality Design SPD (2019), which amongst other things, seeks to ensure developments achieve good design principles. In addition, the proposal would fail to accord with the design objectives of the National Planning Policy Framework (Framework).

Living Conditions

13. The proposed dwelling would be positioned less than 21m from the rear elevations of the existing two-storey properties on Beoley Road West. These existing properties have windows to habitable rooms in their rear elevations. The proposed dwelling would include rear windows and rooflights that would have direct views of the rear windows in the existing properties. Whilst the rooflights would be slightly angled, close views of the neighbouring properties would still be possible due to the proposal's lower roof form. The limited new planting proposed within the appeal site would not restrict such views as it would take a considerable period of time to mature.
14. The Council's High Quality Design SPD (2019) indicates that a minimum separation distance of 21 metres would be expected between opposing faces to achieve a degree of privacy between habitable rooms. Therefore, the proposal's separation distance would be less than the separation distance set out in the SPD. Consequently, this would result in a loss of privacy to the neighbouring occupants.
15. In addition, the inadequate separation distance between the proposed dwelling and the neighbouring properties would result in a loss of privacy to their rear garden spaces. This is because close range views of the garden areas would be possible from the rear windows of the proposed dwelling and from the existing properties. This would result in insufficient levels of privacy within the garden areas that would be unacceptably harmful to the living conditions of existing and future occupiers.
16. Although a condition could be imposed to secure obscure glazing for the proposal's rear rooflight windows, this would result in an undesirable reduction of both outlook and natural light entering the habitable room of the proposed dwelling.
17. The Council's SPD specifies a minimum of 70sqm of private amenity space for dwellings. The proposal would provide around 43sqm of garden provision, which would fall short of the minimum set out in the SPD. As the proposal would be a two-bedroom dwelling, which could be for a small family, this would be of inadequate size that would feel constrained, limiting the quality and level of practical use unacceptably.
18. In addition, the proposal would also result in the reduction of garden area for the existing properties at No 18-22. The remaining private garden space would not be large enough to provide sufficient amenity space for the needs of a family. There would not be adequate space to accommodate a range of garden activities, such as outdoor seating, clothes drying, nor sufficient usable space for children to play.
19. Whilst there are public open spaces within walking distance of the appeal site that would provide recreational space, the SPD is clear that developments must provide some form of 'private' amenity space. As the public open spaces would be shared with other people, they are not private spaces.
20. Therefore, the proposal would not provide adequate living conditions for future or existing occupants, with regard to privacy and outdoor amenity space. As such, the proposal would fail to accord with Policy 40 of the BORLP. This policy, amongst other things, seeks to ensure development is of high quality design

and incorporates any relevant guidance contained within Supplementary Planning Documents. The proposal would conflict with the guidance set out in the Council's High Quality Design SPD (2019), which seeks to protect the amenity of occupiers through high quality design. In addition, the proposal would fail to accord with the Framework (paragraph 130), where it seeks to promote health and well-being, and a high standard of amenity for existing and future users.

Other Matters

21. The proposal would make a small contribution to the delivery of housing for the area and would re-use an unkempt site that is accessible to a range of services, facilities and sustainable modes of transport.
22. It would also make an economic contribution during the construction period and subsequently from future occupiers in terms of spending in the local area and taxation derived. However, the weight of these benefits would not be sufficient to justify the harm I have identified.
23. My attention has been drawn to a previous planning permission (21/01524/FUL). I do not know the planning circumstances that led to this permission or its specific relationship to the site and its surroundings. In any event, I have determined the appeal on its own merits.

Planning Balance

24. The appellant suggests that the Council do not have a five-year housing land supply. However, the Council state that it has a 9.45 years supply of dwellings. Nevertheless, even if I were to conclude there is a shortfall in the five-year housing land supply as suggested by the appellant, the harm I have found arising from this proposal is so significant that the adverse impacts of granting permission relating to the main issues would significantly and demonstrably outweigh the benefits, when assessed against the policies and the Framework taken as a whole. Therefore, the proposal would not benefit from the presumption in favour of sustainable development.

Conclusion

25. The proposal conflicts with the development plan as a whole, and there are no material considerations worthy of sufficient weight that would indicate a decision other than in accordance with it. The appeal is therefore dismissed.

H Smith

INSPECTOR