



Appeal Decision

Site visit made on 4 October 2023

by N Bromley BA Hons DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 28 November 2023

Appeal Ref: APP/C4615/W/23/3320490

Land adjacent to 1 Dennis Hall Road, Amblecote, Stourbridge DY8 4EL

- 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 P Davis against the decision of Dudley Metropolitan Borough Council.
 - The application Ref P20/1214, dated 7 August 2020, was refused by notice dated 12 December 2022.
 - The development is proposed four bedroom detached dwelling.
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Decision

1. The appeal is dismissed.

Applications for costs

2. An application for costs was made by Mr P Davis against Dudley Metropolitan Borough Council. This application is the subject of a separate decision.

Preliminary Matters

3. Since the date of decision, the Council has published a Residential Design Guide Supplementary Planning Document (Design SPD), May 2023, which replaces the New Housing Development Supplementary Planning Document, referenced in the reasons for refusal of the Decision Notice. The Council refer to the Design SPD in their statement, which the appellant has had an opportunity to comment on.

Background and Main Issues

4. In deriving the main issues in this appeal, I have considered the reasons for refusal and the Council's case, which refers to "garden grabbing". The Council sets out that this generally results from the subdivision of plots of existing dwellings, which can have a detrimental impact both on the character and distinctiveness of an area, as well as residential amenity. This is sufficiently similar to the concerns raised by the other reasons for refusal in respect of the effect of the proposed development on the character and appearance of the area and the amenity levels for the existing and proposed dwelling. I have, therefore, taken it into account in considering those issues.
5. Consequently, the main issues are:
 - i. the effect of the proposed development on the character and appearance of the area;
 - ii. the effect of the proposed development on highway safety, with particular regard to the adequacy of parking provision; and

- iii. whether the living conditions of future occupiers would be acceptable, with particular regard to the provision of internal living space and outdoor amenity space.

Reasons

Character and Appearance

6. The appeal site represents an overgrown piece of land that is occupied by a detached single garage. It is located on Dennis Hall Road, in close proximity to its junction with the A461 Brettell Lane, within the built-up area of Stourbridge. The surrounding area is primarily residential, but Brettell Lane is a busy road and there are a number of commercial buildings located along it.
7. The site previously formed part of the side and rear garden of No 1 Dennis Hall Road but has subsequently been sold. However, the land has not been physically subdivided from No 1 and still appears as residential garden land to the property. The proposed development seeks the construction of a 2-storey, four bed detached dwelling with a rear garden area and frontage car parking. Additionally, the submitted plans show proposals for the creation of an access and parking area for No 1, off Dennis Hall Road.
8. Dennis Hall Road has a uniform character of semi-detached dwellings which have a similar size and appearance. No 1 has an irregular shape and orientation within the street scene which results in the appeal site, due to its location at the rear, not being viewed within the context of the uniform street scene of Dennis Hall Road. Instead, the site is viewed in the context of a more modern red brick detached dwelling and the side elevations and rear service yards of the red brick commercial buildings opposite, which front Brettell Lane.
9. The proposed dwelling would have a simple design, similar in appearance to the neighbouring detached dwelling. It would infill a small gap in between the neighbouring detached dwelling and the rear of No 1. The irregular plot shape and orientation of No 1, along with its resultant garden size, due to the subdivision of the plot, would result in the proposed dwelling having a poor visual relationship with No 1.
10. The front building line of the proposed dwelling would be set slightly forward compared to the more modern neighbouring property. It would also have a much smaller footprint due to the limited width of the plot. However, notwithstanding the smaller footprint, the proposed dwelling would maximise the size of the site and be built up close to each side boundary. The limited size of the plot and its relationship with the two neighbouring dwellings would result in the proposed development appearing cramped within its context. In particular, the relationship of the proposed dwelling with No 1 would exacerbate the cramped and discordant appearance, which would further contribute to the unusual and incongruous appearance of the proposed development within the context of the street scene.
11. Furthermore, the location of the site close to the junction with Brettell Lane would result in the proposal being highly visible from public vantage points along the road. Therefore, whilst the street scene is more varied in the locality, the proposed development, due to its cramped and discordant appearance, would be prominent and it would not harmonise with the existing pattern of development in the locality.

12. Whilst the proposed plot ratio may be comparable to other properties, the circumstances of each case will differ. Consequently, I have determined the case before me on its own merits.
13. For the collective reasons outlined above, the proposed development would be harmful to the character and appearance of the area. Therefore, the proposal would fail to accord with Policies ENV2, ENV3, HOU2 and CSP4 of the Black Country Core Strategy (2011) (BCCS), and Policies L1, S1, S6, S8 and S17 of the Dudley Borough Development Strategy (2017) (DS), which together, amongst other things, seek to ensure high quality design which protects local distinctiveness and the character and appearance of the area.
14. The proposed development would also be contrary to the principles set out in the Design SPD, which sets out, amongst other things, that new housing development should be appropriate and sympathetic to its surroundings.
15. My attention has been drawn to policies HOU1 and TRAN2 of the BCCS that relate to the location of new housing development. As a result, the proposal would not conflict with these policies that do not relate to the effect of a proposed development on the character and appearance of an area.

Highway safety

16. The proposed development includes an integral garage and a frontage off street parking area. The submitted layout plan also shows a proposed off street parking area for No 1 Dennis Hall Road. The Council have not raised concerns with the parking area for No 1, but they have set out that only two spaces are shown for the proposed dwelling, which is below the parking standards for a 4-bed dwelling, as set out in the Parking Standards Supplementary Planning Document (Parking SPD), which requires a minimum of 3 spaces.
17. I acknowledge that an integral garage and frontage car parking area are proposed. However, the Council state that the proposed garage is of an inadequate size and would fail to meet the minimum garage requirements as outlined within the Parking SPD, which would prevent the use of this garage for the storage of cars. I see no reason to disagree. Therefore, on this basis it has not been demonstrated that three vehicles could suitably park within the site.
18. The location of the appeal site close to the junction with Brettell Lane and the narrowness of this part of Dennis Hall Road means that there is limited opportunity for on-street parking provision within the immediate locality. The limited off-street parking provision within the site, that I have identified above, would increase the likelihood of vehicles parking on the highway, in close proximity to the junction, which would cause obstruction and highway safety implications for vehicles and pedestrians on Dennis Hall Road.
19. Consequently, I conclude on this main issue that the proposed development would be harmful to highway safety, with particular regard to the adequacy of parking provision. Therefore, the proposal would fail to accord with Policies ENV3, CSP4 and TRAN2 of the BCCS, and Policies L1, S1, S6 and S17 of the DS, and the Parking SPD, which together, amongst other things, seek to ensure an adequate amount of off-street parking provision and to prevent detrimental impacts on highway safety.
20. My attention has been drawn to policies ENV2, HOU1 and HOU2 of the BCCS that relate to the location of new housing and/ or the local distinctiveness of

development. As a result, the proposal would not conflict with these policies that do not relate to highway safety implications and parking provision.

Living conditions of future occupants

21. The submitted plans show very modest room sizes for a 4-bed home that is likely to be occupied by a family. The ground floor in particular would lack sufficient space for circulation, ordinary everyday use, and socialising. The rear garden area also appears limited for a 4-bed dwelling and the available space for activities such as sitting out, drying clothes, and for children to play, would provide an unsatisfactory standard of outdoor amenity space for future occupiers.
22. The Council have advised that the internal floor area of the proposed dwelling would be 93m² and would not comply with the Nationally Described Space Standards (NDSS)¹. The NDSS states that these apply where referred to by Local Plan policy. On this basis, the NDSS can only be considered as guidance and any conflict with it can only attract limited weight. Nevertheless, this indicates that the size of the dwelling is inadequate for a family dwelling and policy L1 of the DS requires an appropriate level of amenity for future occupiers. The level of internal space and outdoor amenity space provided by a development is an important factor in whether it would achieve this.
23. For the reasons outlined above and on the evidence before me, I conclude on this main issue that the provision of internal living space and outdoor amenity space for the future occupiers of the proposed dwelling would not be acceptable and would not accord with Policy L1 of the DS.
24. My attention has been drawn to policies S1 and S6 of the DS that relate to the presumption in favour of sustainable development and urban design. As a result, the proposal would not conflict with these policies that do not relate to internal living space and outdoor amenity space for the future occupiers.

Other Matters

25. The creation of an additional dwelling in a sustainable urban area, would contribute to boosting the supply of new housing, as referenced in the Framework. I also acknowledge that there would be social and economic benefits to local services during the construction phases without conflict with neighbouring land uses. However, for 1 dwelling this is only a very minor benefit. Therefore, taking the above matters into consideration, the benefits would not outweigh the identified harm that would be caused to the character and appearance of the area, highway safety and to the living conditions of future occupiers.
26. The appellant raises concerns about pre application advice that was received from the Council and fundamental concerns with the proposed development that were not previously raised. However, this does not affect my consideration of the planning merits of the proposed development.

Conclusion

27. For the reasons given above, I have found that the proposed development would conflict with policies contained within the development plan. Whilst it

¹ Department for Communities and Local Government Technical Housing Standards – Nationally Described Space Standards (2015)

may not conflict with other policies, I consider that it would conflict with the development plan as a whole. I have found no other material circumstances that would outweigh that conflict. As such, I conclude that the appeal should be dismissed.

N Bromley

INSPECTOR