



Appeal Decision

Site visit made on 15 January 2024

by P Eggleton BSc(Hons) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 2 February 2024

Appeal Ref: APP/Z3445/D/23/3334824

30 Church Road, Dosthill, Tamworth, Staffordshire B77 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 B Millar against the decision of Tamworth Borough Council.
 - The application Ref 0237/2023, dated 19 July 2023, was refused by notice dated 21 September 2023.
 - The development proposed is a garage building to driveway of existing residential property.
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Decision

1. The appeal is dismissed.

Main Issue

2. The main issue is whether the proposal would preserve or enhance the character or appearance of the conservation area.

Reasons

3. The property lies within the Dosthill Conservation Area which is a small area that includes the grade II listed St. Paul's Church and its grounds, a grade II* Norman chapel, various grade II listed buildings associated with the Church Farm complex and a small number of other properties. The appeal property is located to the north of these historic buildings and the dwelling and its neighbour are set well back from the road. The high hedges and front gardens of properties on the east side of the road complement the open areas and mature trees associated with the surrounds of the church and chapel.
 4. The house has been partly demolished in anticipation of re-building. The proposal would result in a garage between the road and the house. The garage would be screened to some extent by the high roadside hedge and the trees and bushes within this and the neighbouring gardens. The rear gable would however be visible when approaching from the south as it would be viewed over the neighbouring lower roadside hedge. With the roadside and side boundary hedges of the appeal property at their current heights, the front gable of the garage would also be evident when travelling south. A building of this form and nature, in such a prominent position, close to the road, would detract from the open character and appearance of this property and its neighbour. It would represent an uncharacteristic addition within the street
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- scene and would represent poor design in this context. It would not preserve or enhance the character or appearance of the conservation area.
5. The appellant has suggested that the front hedge could be the subject of a condition to ensure that it would remain. Whilst conditions to retain hedges are not uncommon, they have drawbacks. If a hedge is reduced in height or removed contrary to the condition, the remedy is generally to allow it to re-grow or for it to be replaced. In both cases, the screening offered by the hedge is reduced for periods of time. Even with the hedge currently in place, this proposal would be unacceptable. The potential for it to be more exposed to view, even for limited periods, adds to this concern.
 6. The proposal would not satisfy the design objectives; or adequately take into account the impact on the conservation area, required by policy EN5 of the Tamworth Borough Council Local Plan 2006-2031 (2016). Policy EN6, which relates to protecting the historic environment, would not be satisfied.
 7. It is noted that there is the potential for the conservation area to be reduced in size and for the appeal property to be excluded from it. As this has not been formally agreed, little weight can be afforded to this potential. However, even if this property was not in the conservation area, the proposal would detract from the character and appearance of the area and conflict with policy EN5.
 8. Concern has been raised with regard to the setting of the nearby listed buildings, the nearest of which is the grade II* listed Norman chapel. Being on the inside of the bend of Church Road when approaching from the north, the chapel would retain its prominence within the street scene. The new garage would add to the modern additions in the vicinity but would not result in greater harm to its setting. When approaching from the south, the garage, although experienced simultaneously with the chapel, would be sufficiently recessive, given its lower level, set back from the road and distance from the chapel.
 9. Overall, the garage would detract from the character and appearance of the area and would fail to preserve or enhance the character or appearance of the conservation area. The Planning (Listed Buildings and Conservation Areas) Act 1990 imposes a duty requiring that special attention be paid to the desirability of preserving or enhancing the character or appearance of conservation areas.
 10. The level of harm to the conservation area would be less than substantial. The *National Planning Policy Framework 2023* is clear that this harm should be weighed against the public benefits of the proposal. The proposal would offer private rather than public benefits to the appellant. There would be economic benefits from the construction of the garage but overall, the public benefits would not outweigh the harm to the conservation area. Furthermore, the matters in favour of the proposal would not be sufficient to outweigh the harm to the character or appearance of the area generally. I therefore dismiss the appeal.

Peter Eggleton

INSPECTOR