



Appeal Decision

Site visit made on 2 January 2024

by Samuel Watson BA (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 14th February 2024

Appeal Ref: APP/K3415/W/23/3323944

18 Brookside Road, Mile Oak, Tamworth, Staffordshire B78 3NR

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission under section 73 of the Town and Country Planning Act 1990 for the development of land without complying with conditions subject to which a previous planning permission was granted.
- The appeal is made by Mr David Thomas against the decision of Lichfield District Council.
- The application Ref 23/00024/FUL, dated 13 December 2022, was refused by notice dated 3 March 2023.
- The application sought planning permission for the erection of 2 bed dormer bungalow without complying with a condition attached to planning permission Ref 21/02095/FUL, dated 1 November 2022.
- The condition in dispute is No 2 which states that: *The development hereby permitted shall be carried out in accordance with the approved plans: Existing Location Plan & Site Plan BR5/01/01, Proposed Site Plan BR5/01/02, Bungalow Plans BR5/01/03 REV C, Bungalow Street Scene BR5/01/04 REV A.*
- The reason given for the condition is that it: *provides certainty.*

Decision

1. The appeal is dismissed.

Preliminary Matters

2. A revised National Planning Policy Framework (the Framework) was published on 19 December 2023. I have determined this appeal in the context of the revised Framework.

Main Issue

3. The main issue is the effect that varying condition No 2 would have on the character and appearance of the surrounding area.

Reasons

4. The area, is generally varied in appearance with a number of different types of property present. However, on the appeal site side of the road, the roofscape is characterised by hipped rooves presenting a long slope parallel to the road. It is against this roofscape that the appeal site would be primarily read. The proposed variation of condition No 2 would include the rotation of the existing roof so that the ridgeline runs perpendicular to the road and a gable, rather than roof slope, is presented to the front.
5. Although front facing gables are present within the surrounding area, these are predominantly limited to the opposite side of Brookside Road and are smaller

features that bookend a number of terraces. These examples contribute to a pattern that characterises the terraces on that side of the road.

6. The orientation of the proposed roof perpendicular to the road would be jarring within a group of otherwise similar properties. This would be exacerbated by the presence of a large and prominent gable to the front of the property. In all, the proposed design of the amended roof would not reflect, or contribute to, the wider roofscape on this side of the road. The large gable would therefore be incongruous with the street scene as a whole.
7. Although the proposal would provide a first-floor window, I find that the roof would be sufficiently low enough to retain the appearance of a single-storey dwelling with accommodation in the roof. The proposed roof would also not be so large as to be a bulky feature to the detriment of the appearance of the building.
8. The appellant has made reference to other bungalows with accommodation in the roof and front facing gables, these are along Manor Road. Although Manor Road is close to the appeal site, I find that the development along that road does not affect the character of Brookside Road. Therefore, whilst I have been mindful of these examples they have not been determinative in my considerations.
9. The proposed variation of condition No 2 would harm the character and appearance of the surrounding area in conflict with Core Policy 3 and Policy BE1 of the Local Plan Strategy 2008-2029 which require proposals to protect and respect the character and distinctiveness of the surrounding area, with regard to the architectural vernacular and design. It would also conflict with Paragraph 135 of the Framework which similarly seeks proposals to maintain a strong and distinctive sense of place.

Other Matters

10. Although there may be no objections from neighbouring occupiers, this does not preclude me from assessing the proposal and from reaching a different decision. Similarly, whilst the proposal may not be unacceptable on other grounds, a lack of harm is not a benefit in itself and I have afforded these matters neutral weight.

Conclusion

11. The proposed variation of condition No 2 would harm the character and appearance of the surrounding area and would conflict with the development plan taken as a whole. There are no material considerations that indicate the decision should be made other than in accordance with the development plan. Therefore, for the reasons given, I conclude that the appeal should be dismissed.

Samuel Watson

INSPECTOR