



Appeal Decision

Site visit made on 5 March 2024

by B J Sims BSc (Hons) CEng MICE MRTPI

an Inspector appointed by the Secretary of State

Decision date: 11th March 2024

Appeal Ref: APP/Q1825/D/23/3329807

27 New Road, Astwood Bank, Redditch, Worcestershire, B96 6AW.

- 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 Nigel Syner against the decision of Redditch Borough Council.
 - The application Ref 22/01469/FUL, dated 14 November 2022, was refused by notice dated 30 March 2023.
 - The development proposed is the erection of a 2-bed bungalow in lieu of garage and associated works including demolition.
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Decision

1. The appeal is allowed and planning permission is granted for the erection of a 2-bed bungalow in lieu of garage at 27 New Road, Astwood Bank, Redditch, Worcestershire, B96 6AW, in accordance with the terms of the application, Ref 22/01469/FUL, dated 14 November 2022, subject to the conditions set out in the Schedule appended to this decision.

Procedural Matter

2. The Appellant submitted with the appeal an amended layout plan Ref 004A, showing the proposed bungalow and its associated car parking spaces handed through 180 degrees in order to increase the amount of private outdoor amenity space available to residents without overshadowing by trees. The Council has evidently taken account of this amendment in connection with this appeal, citing it in its Condition 2, suggested without prejudice. The built element of the development would be essentially the same as originally proposed and, in the circumstances, I determine the appeal on the basis of the revised layout.

Description

3. The proposed location for the bungalow is a gravel parking area associated with No 27 New Road. It is open to the street and enclosed along its western boundary by a timber fence. There are four mature protected trees outside the western site boundary.
4. There is, in effect, extant planning approval under Ref 19/01168/CPL for a detached double garage on the land to serve No 27. The bungalow now proposed would occupy the same footprint and would be enclosed within its own curtilage with two car parking spaces.

Main Issues

5. The main issues are the effects of the development now proposed, compared with those of the approved garage, on the character and appearance of the site and surrounding area, on the adjacent protected trees, and with respect to the quality of private outdoor amenity space for prospective residents.

Reasons

Character and Appearance

6. It is evident that, historically, this section of New Road has had minimal frontage development and plentiful tree cover, including within the side garden to No 27, giving it a relatively open character, in contrast with the comparatively dense residential development along the rest of New Road and in the surrounding area.
7. Be that as it may, the side garden of No 27, now the subject of this appeal, has, in the meantime, been partly occupied by a garage, now demolished, leaving this part of the appeal site in its present undeveloped state. To that extent, it continues to contribute to the relative openness of the immediate street scene.
8. Importantly, however, that effect is now potentially compromised by the fallback position that it seems likely that a replacement double garage will be built there in accordance with the lawful use of the site under Ref 19/01168/CPL if this appeal fails. Moreover, even without that development, I do not recognise the site as contributing greatly to local open character, being devoid of visual interest and privately enclosed.
9. The present proposal to build a bungalow instead of the double garage over the same footprint would not increase the amount of built development permitted on the site.
10. The development now proposed would nonetheless alter the appearance and character of the site, with its domestic façade, external car parking space, separation within its own bounded curtilage and the activity associated with domestic occupation.
11. However, the surrounding area is principally residential with mainly two-storey brick houses, like No 27 itself, but with a number of single-storey dwellings too. The design of the bungalow is not out of keeping in this context and its finishing materials could be controlled to ensure that they would complement those of No 27 adjacent.
12. In the circumstances, I do not find that the appeal scheme would harm the character or appearance of the site and surrounding area and, compared with the present situation, I would regard the development as a potential enhancement to the locality.
13. In that respect, I see the proposal as compliant with the relevant Policies 5.4 and 39-40 of the adopted Redditch Borough Local Plan (BLP)

Protected Trees

14. There is understandable concern that the protected trees near, but not immediately outside the western boundary fence, might be harmed by the

- construction and occupation of the proposed development nearby. That is, in particular, because their root protection areas (RPAs) partly overlap the site boundary and there could be future pressure to prune them excessively or even remove them to avoid overshadowing.
15. In the first instance, there is detailed specialist arboricultural evidence on behalf of the Appellant that, in practice, RPA incursions would be of a relatively low order, not extending to the building itself, and that potential harm to the roots and vitality of the protected trees could be avoided by no-dig techniques and the installation of proprietary Cellweb subbase over the roots. Further, built foundations could be required to comprise hand-installed pile and beam construction to facilitate protection from damage and maintenance of appropriate root irrigation.
 16. In the second instance, although the protected trees have recently been pruned with the formal approval, they will naturally grow again but it does not appear that their canopies will directly overhang the appeal site boundary. Any pressure for further pruning or removal would thus most likely arise from obstruction to afternoon and evening sunlight reaching the rear garden of the bungalow from the south west and west.
 17. A specialist daylight and Sunlight Assessment, submitted on behalf of the Appellant, shows that the amounts of sunlight reaching the appeal property would not be unduly reduced. Internally, the living area would be illuminated by large bifold doors and the light reaching the windows, both directly and in terms of the Vertical Sky Component, would largely meet Building Research Establishment (BRE) requirements. These are, respectively, at least 1.5 hours of direct sunlight and at least 27% of an unobstructed sky. The amounts of sunlight reaching the ground surrounding the bungalow would similarly comply with requirements of at least two hours of sunlight reaching half the area of amenity space.
 18. I find this evidence persuasive that the RPAs of the protected trees could be protected satisfactorily and also that it is unlikely that there would be undue pressure from future residents to remove the protected trees or to prune them excessively, even assuming this would be permitted.
 19. Overall, the development would thus meet the provisions of BLP Policies 5.4, 16 and 40 regarding the local natural environment.

Private Amenity Space

20. The 70sqm of private amenity space would exceed the design guide recommendation of 100sqm, such that I consider that the property would not feel overly cramped to occupiers.
21. Further, it follows from the foregoing consideration of the nearby protected trees that any degree of obstruction to sunlight reaching the bungalow or its associated private amenity areas would not be such as to warrant substantive planning objection. Furthermore, any prospective occupants would be aware of the presence and potential effects of the protected trees before making their choice to take up residence.
22. In this respect too, the development would meet, in effect, the provisions of BLP Policy 40 and associated guidance on amenity space.

Conclusion

23. For the reasons explained, I conclude that the proposed development would be compliant with the development plan as a whole, wherein the policies relevant to this appeal are essentially consistent with the National Planning Policy Framework. The approval sought should therefore be granted, subject to appropriate planning conditions.

Conditions

24. All the conditions suggested without prejudice by the Council are necessary to ensure compliance with the approved drawing and advance approval of finishing materials and boundary treatments, in the interests of the character and appearance of the area. Further conditions are needed to secure appropriate drainage of the site and to require sufficient safe off-street car parking, as well as pedestrian vision splays and sealed driveway construction, in the interests of highway safety. An electric vehicle charging point and bicycle storage are required, in support of sustainable travel and adaptation to climate change.
25. Suggested condition 11 needs to be included to impose a general limitation on any works potentially affecting the root protection areas of the adjacent protected trees without specific prior approval. Importantly, I consider that an additional condition 12 is essential, requiring compliance with the submitted Arboricultural Method Statement, including its specification for root protection and the manual installation of built foundations.

B J Sims

INSPECTOR

APPENDIX

SCHEDULE OF PLANNING CONDITIONS

1. The development hereby permitted shall begin not later than three years from the date of this decision.
2. The development hereby permitted shall be carried out in accordance with approved Drawing No 3068_004 Revision A Proposed House Plan and Elevations.
3. No above ground works shall commence until samples of external facing materials for the dwelling have been submitted to and approved by the Local Planning Authority in writing. The relevant works shall be carried out in accordance with the approved sample details.
4. Prior to the occupation of the development, details of the boundary treatments to be provided on site shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.
5. No development above foundation level of the dwelling hereby approved shall commence until a scheme for surface water drainage and a drainage plan have been submitted to and approved in writing by the Local Planning Authority. The submitted drainage plan shall include the details and results of field percolation tests where infiltration techniques are to be used. If infiltration drainage is not possible on this site, an alternative method of surface water disposal shall be submitted for approval. There shall be no increase in run-off from the site compared with the pre-development situation up to the 1 in 100 year rainfall event plus an allowance for climate change. If a connection to a sewer system is proposed, evidence shall be submitted of the in-principle approval of Severn Trent Water for this connection. The drainage scheme shall be implemented prior to the first use of the development and thereafter maintained.
6. The Development hereby approved shall not be occupied until pedestrian visibility splays of 2m x 2m measured perpendicularly from the back of edge of the carriageway shall be provided on both sides of the access. The splays shall thereafter be maintained free of obstruction exceeding a height of 0.6m above the adjacent ground level.
7. The Development hereby approved shall not be occupied until the first 5 metres of the access into the development, measured from the edge of the carriageway, have been surfaced in a bound material.
8. The Development hereby approved shall not be occupied until an area has been laid out within the curtilage of the dwelling for the parking of 3 cars for the existing dwelling and 2 cars for the proposed dwelling at a gradient not exceeding 1 in 8. This area shall thereafter be retained for the purpose of parking a vehicles.
9. The Development hereby permitted shall not be first occupied until the proposed dwelling has been fitted with an electric vehicle charging point. The charging point shall comply with BS EN 62196 Mode 3 or 4 charging and BS EN 61851 and the Worcestershire County Council Streetscape Design Guide. The electric vehicle charging point shall be retained for the lifetime of the development unless it needs to be replaced in which case the replacement charging point shall be of the same or higher specification in terms of charging performance.

10. The Development hereby permitted shall not be first occupied until sheltered, safe, secure and accessible cycle parking has been provided in accordance with details which shall first be submitted to and approved in writing by the Local Planning Authority and thereafter the approved cycle parking shall be kept available for the parking of bicycles.

11. No works of any kind shall be permitted within or through the Root Protection Areas of trees adjacent to the application site without the prior specific written permission of the Local Planning Authority. This specifically includes any works such as changes in ground levels, installation of equipment or utility services, the passage or use of machinery, the storage, burning or disposal of materials or waste or the washing out of concrete mixing plants or fuel tanks.

12. All works on the application site in connection with the development hereby approved shall comply with the Arboricultural Method Statement BS5837:2012 by Eden Arboriculture dated 13 September 2023, and in particular with Section 4 of that document with respect to special measures for tree root protection by no-dig techniques and installation by hand of building foundations comprising pile and beam construction.