
Appeal Decisions

Site visit made on 29 May 2024

by John Felgate BA(Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 5th June 2024

Appeal Ref: APP/C4615/W/3333379

Rear of 67 Manor Abbey Road, Halesowen, West Midlands B62 0AB

- 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 Alan Nicholls against the decision of Dudley Metropolitan Borough Council.
 - The application Ref P23/0861, dated 28 June 2023, was refused by notice dated 5 September 2023.
 - The development proposed is the erection of one 3-bedroom house.
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Decision

1. The appeal is dismissed.

Main issues

2. The main issues in the appeal are the effects of the development, firstly on the character and appearance of the area, and secondly on privacy for neighbouring and future occupiers.

Reasons for decision.

Character and appearance

3. No 67 Manor Abbey Road is a detached house, occupying a corner plot at the junction with Longlands Road. The appeal proposal is to subdivide the property's rear garden, and build an additional 2-storey dwelling towards the further end of the site, fronting onto Longlands Road. The new property would have its own new access and garage, adjacent to No 2 Longlands Road.
4. The new dwelling would be seen primarily in the context of Longlands Road. On my visit, I saw that the existing houses in this road are laid out in a regular linear pattern, in which the houses on each side are set back at a consistent distance, forming clearly defined building lines. On the west side, that distance appears to be about 7-8m from the back edge of the footway. This arrangement gives the street a sense of order and space. As such, it seems to me that the consistency and uniformity of the building lines is a strong unifying feature, which makes an important contribution to the street's attractive character.
5. In the present appeal scheme, the proposed new dwelling would be positioned well forward of this established building line. The main front wall would be set only about 3m from the front boundary of the site, and the 2-storey projecting wing, containing the kitchen/dining room with a bedroom above, would extend

further forward still. Furthermore, the rear wall of the new dwelling would be roughly in line with the front of No 2 Longlands Road, so that in effect the whole of the new building would be ahead of the neighbouring property, with its flank wall fully exposed. Consequently, to my mind, the proposed development would appear as a discordant and intrusive feature in the street scene.

6. I appreciate that the existing side extension at No 67 Manor Abbey Road also extends beyond the building line in Longlands Road. But that extension is single storey, and therefore has relatively little visual impact. In so far as it is seen at all, the extension is viewed mainly in the context of Manor Abbey Road, rather than Longlands Road. The existence of the extension does not change my view as to the importance of the building line in Longlands Road, or the effect that the development now proposed would have in this regard.
7. I have paid full regard to the existing boundary hedge, and the appellant's suggestion that the majority of it could be retained. But even if the hedge were reduced in thickness, it would be very close to the new dwelling's front windows, obstructing light and outlook in both of the property's main living rooms. Consequently, this would not appear to be either a desirable or a practical long-term situation. And in any event, the hedge at its present height would not screen a 2-storey building, nor would it do anything to screen the view of the flank elevation, from the south. Nor indeed does there appear to be any space to introduce any effective screening of that view in other way.
8. I fully accept the appellant's argument that residential development on garden land, within an urban area such as this, is not objectionable in principle. In this context I agree that the Council's use of the term 'garden grabbing' in their refusal reason makes no sense, and indeed is unhelpful in understanding the nature of their objection. But nevertheless, the underlying objection, based on the unsatisfactory relationship that this particular scheme would have to the pattern of development in Longlands Road, seems to me well founded.
9. For these reasons I conclude that the proposed development would cause unacceptable harm to the character and appearance of the area. In this regard it would conflict with the relevant provisions of Policies S6, S8 and L1 of the Dudley Borough Development Strategy (the DBDS)¹, which together seek to ensure that all developments respect the character and visual amenity of their surroundings, and complement local distinctiveness.

Privacy

10. The new dwelling's rear bedroom windows would overlook the rear garden of the adjoining property No 69 Manor Abbey Road, at a distance of about 10.3m. At this range, this would give rise to a substantial reduction in privacy for No 69's occupiers. I appreciate that the garden in question may already experience a degree of overlooking from other surrounding houses, but the new dwelling now proposed would be significantly closer than any of these. In the circumstances, the development would have an unacceptably harmful effect on living conditions at No 69.
11. The new dwelling's own rear garden would be directly behind the existing property at No 67. Although in this case the distance would be slightly greater,

¹ Adopted March 2017

No 67 is set on higher ground, and includes a raised terrace which evidently affords elevated views towards the proposed new plot. And whilst there are some existing trees within the garden which would provide a degree of screening, it is not clear how effective these would be when not in leaf. But nevertheless, additional planting and fencing could be secured by condition. On balance, it seems likely that adequate privacy could be provided for the new dwelling itself. However, this does not overcome my concern regarding the impact on No 69.

12. I therefore conclude that the proposed scheme would fail to protect the privacy of neighbouring occupiers, resulting in harm to living conditions at No 69 Manor Abbey Road, contrary to DBDS Policy L1.

Other matters

13. The proposed development would contribute to increasing the district's supply of housing, and in particular could potentially meet the needs of a family looking for a 3-bedroomed house with a smaller garden. I agree that there is no reason to doubt that a demand exists for such a property. Alternatively, if the appellant were eventually to move into the new dwelling, the development would free up the existing larger property at the site. However, in the absence of any evidence of any shortfall against either the 5-year supply target or the Housing Delivery Test, the benefit arising from of one extra dwelling carries only modest weight.
14. The development would generate financial contributions to the Council, through the receipt of CIL, Council Tax and New Homes Bonus payments. Section 70(4) of the 1990 Act allows regard to be had to local finance considerations, so far as these are material to the application. However, the Planning Practice Guidance² makes it clear that the question of whether or not any such financial considerations are in fact material in any particular case will depend on whether they would help to make the development acceptable in planning terms. In the present case, there is no evidence that the payments in question would make any difference to the harm that I have identified, as set out above.
15. The scheme would make use of relatively under-used garden land, in a reasonably sustainable urban location. But this does not outweigh the matters that have led me to my decision.

Conclusion

16. For the reasons explained above, I have found that the proposed development would cause significant harm to the area's character and appearance, and to the privacy of neighbouring occupiers. As such, it would conflict with the most relevant development plan policies, including Policies S6, S8 and L1 of the DBDS. That conflict is not outweighed by any of the other matters raised.
17. It follows that the appeal is dismissed.

J Felgate

INSPECTOR

² Paragraph 21b-011-20140612