

Appeal Decision

Site visit made on 18 July 2024

by G Powys Jones MSc FRTPI

an Inspector appointed by the Secretary of State

Decision date: 15 August 2024

Appeal Ref: APP/Q1825/W/24/3343176

1 Cyprus Avenue, Astwood Bank, Redditch, B96 6HF

- 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 Malcolm Such against the decision of Redditch Borough Council.
 - The application Ref is 23/01228/FUL.
 - The proposed development is a two bedroom bungalow.
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Decision

1. The appeal is dismissed.

Preliminary and procedural matters

2. The appellant's proposal involves the erection of a bungalow in part of the appeal or host property's rear garden. Following the submission of the appeal a Certificate of Lawfulness was granted¹ in respect of the erection of an outbuilding in the rear garden. Plans of the outbuilding have been provided so that they may be compared with those of the appeal proposal. The Certificate is a material consideration in my determination of the appeal.
3. The Council acknowledges in its officer report that the area of the proposed bungalow's garden satisfies the minimum requirement set out in the Council's adopted SPD². That being the case, I could not reasonably find that there would be '*an insufficient garden area for the future occupiers of the proposed dwelling*', as alleged in the Council's second reason for refusal. The implications of the garden being smaller than others in the locality is a matter considered later.

Main Issue

4. The main issue is the effect of the development on the character and appearance of the surrounding area.

¹ Ref 24/00379/CPL dated 3 June 2024

² Borough of Redditch High Quality Design Supplementary Planning Document (SPD), paragraph 4.2.29

Reasons

5. The appeal property is a red-bricked two storey dwelling, the end property of a terrace of four fronting Cyprus Avenue. Its side elevation faces Astwood Lane and its rear garden fronts Astwood Lane, being separated from it by a mature, luxuriant hedge. A small garage stands at the end of the garden, with a narrow access onto Astwood Lane. The garden, together with the adjoining Cyprus Avenue gardens to the south, offer generous elements of greenery and spaciousness into the local scene.
6. Bungalows are not an uncharacteristic form of development in the locality. There is one next-door to the appeal site to the east, and others on the opposite frontage of Astwood Lane where they juxta-pose with two storey dwellings. However, all differ from that proposed in that they, in common with most other development seen locally, are well set back from the highway. There are exceptions to this general rule at the northern end of Feckenham Road, but these dwellings were built at a different time, and because they are largely tucked away around the corner, have little influence on the street scene close to the appeal site.
7. Unlike most other development within visual striking distance, the bungalow would be built close to the rear of the footway along the Astwood Lane frontage. The plans suggest that the hedge along the frontage would be '*trimmed back*'. Even if the hedge were to survive this treatment³ the bungalow would prove conspicuous, protruding awkwardly into the street scene, being built so close to the highway. Given its orientation the bungalow's side elevation would face Astwood Road – presenting a plain, rather featureless and to my mind, ugly elevation to the street.
8. In my opinion, the bungalow, given its siting, the size of its garden in comparison with others and its close physical relationship with the host property, would be perceived as having been inappropriately shoe-horned onto the site giving the impression of a cramped and unattractive development at odds with the character and appearance of its surroundings.
9. The appellant invites me to attach great weight to the existence of the certificate of lawfulness, as the Inspector did when conducting a recent appeal⁴ in another part of Astwood Bank. I am not aware of all the details of that case but consider it clearly distinguishable in that the bungalow proposed there, unlike here, was to be built on the same footprint as the 'approved' garage, and the amount of built development would not be increased. Nor, judging from the decision letter, would the bungalow in that case have been built so close to the highway with an unattractive elevation facing it. I therefore attribute very little weight to the other appeal decision or to the certificate, given that it relates to a significantly smaller building with a lesser elevation facing the street.
10. I therefore conclude that the proposed development would appear out of place and incongruous in its visual context harming the character and appearance of

³ Which in my view is doubtful given the width shown on the survey plan and the intention to run a foul drain between the proposed bungalow and hedge.

⁴ Ref: APP/Q1825/D/23/3329807

its surroundings. Accordingly, a clear conflict arises with those provisions of policies 5, 39 & 40 of the Borough of Redditch Local Plan No 4 requiring development to respond to distinctive features of the surrounding environment, to reflect local surroundings and in the case of development in gardens, that it can be clearly demonstrated that there will be no detrimental impact on the character and environmental quality of the neighbourhood.

Other matters

11. All other representations made have been considered including those made by local residents. I do not consider that a highway objection could be sustained, for similar reasons to those set out in the officer report on the application. Additionally, the recent certificate of lawfulness granted in respect of a garage showed an access off Astwood Lane.
12. No other matters raised are of such significance as to outweigh the considerations that led me to my conclusions.

G Powys Jones

INSPECTOR