



Appeal Decision

Site visit made on 30 July 2024

by Samuel Watson BA (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 28 August 2024

Appeal Ref: APP/P1805/W/24/3343409

135 Crabtree Lane, Bromsgrove, Worcestershire B61 8PQ

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission.
 - The appeal is made by Mr Rod Dyer against the decision of Bromsgrove District Council.
 - The application Ref is 24/00085/FUL.
 - The development proposed is the proposed demolition of existing garage and erection of new dwelling.
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Decision

1. The appeal is allowed and planning permission is granted for Proposed demolition of existing garage and erection of new dwelling at 135 Crabtree Lane, Bromsgrove, Worcestershire B61 8PQ in accordance with the terms of the application, Ref 24/00085/FUL, subject to the conditions in the attached schedule.

Main Issue

2. The main issue is the effect of the proposal on the living conditions of neighbouring occupiers, with particular regard to outlook and natural light.

Reasons

3. The appeal site comprises the end portion of the residential plot associated with No 135 Crabtree Lane. It contains a large detached garage set within an area of hardstanding used for parking. Adjacent to the appeal site, and within the appellant's ownership is the garden, garage and parking area serving No 72 Melbourne Road. The proposal would include the provision of a dwelling which, although the upper floor is partially within the roof, is more akin to a two-storey dwelling than a bungalow.
4. The proposed dwelling would be orientated so that the length of the building would sit closely along the shared boundary with No 72. I am mindful that its positioning and height has been altered since the previous scheme¹ so that it does not encroach into the neighbouring garden and to reduce the height. Nevertheless, and whilst I note the slope of the roof would face No 72, it would still be a significant feature close to the neighbouring garden.
5. In views from the portion of No 72's garden is immediately adjacent to the proposal, the dwelling would be an overbearing and intrusive feature. To a lesser extent, it would also result in a modest degree of overshadowing.

¹ Planning appeal reference: APP/P1805/W/23/3316105

Cumulatively, these matters would be detrimental to the pleasant enjoyment of the garden and affect the living conditions of the neighbour at No 72.

6. However, the affected area would be modest relative to the overall scale of the garden serving No 72. I consider that the predominant portion of the neighbouring garden, including that near the dwelling but away from the shared boundary would still be pleasant and useable. Even those elements adversely affected would still be useable, albeit of a lesser quality. Moreover, I do not find the proposal to be unduly or unacceptably oppressive for the neighbouring occupiers. In all, the garden at No 72 would still positively contribute towards the living conditions of the neighbouring occupiers. Therefore, the proposed location, height and scale of the dwelling would not unacceptably affect the living conditions of the occupiers at No 72.
7. In light of the above, the proposal would not unacceptably affect the living conditions of the neighbouring occupiers at No 72 Melbourne Road with regard to outlook or light. It would therefore comply with Policy BDP1 of the Bromsgrove District Plan 2011-2030 which, amongst other matters, requires developments to regard their compatibility with adjoining uses and impact on residential amenity. The proposal would also comply with the guidance on neighbour impacts set out within the High Quality Design Supplementary Planning Document.

Conditions

8. I have had regard to the conditions suggested by the Council and the advice on planning conditions set out by the National Planning Policy Framework and the Planning Practice Guidance. In the interests of clarity and enforceability, I have made some changes to the wording.
9. For certainty, I have set out the timescale for the commencement of development. A condition is also necessary, for certainty and enforceability, requiring that the development is carried out in accordance with the approved plans.
10. Further details of the external materials and landscaping proposed to serve the site are required in the interests of the character and appearance of the surrounding area and the living conditions of neighbours. In the interests of preserving and enhancing the biodiversity provided at the site, a condition is required to provide a bird and bat box.
11. In order to prevent flood risk stemming from the proposal, a condition is necessary requiring the submission of a water management scheme and its provision and retention.
12. Conditions controlling the driveway, visibility splays and the provision of bicycle storage are necessary to meet the Council's parking standards and ensure highway safety in the surrounding area.

Conclusion

13. There are no material considerations that indicate the appeal should be determined other than in accordance with the development plan. For the reasons given above, I therefore conclude that the appeal should be allowed.

Samuel Watson

INSPECTOR

SCHEDULE OF CONDITIONS

- 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with drawings: Location Plan, Street Scenes drawing no. 22.10.05 Rev B, Scheme plans and elevations Drawing no. 22.10.11 Rev B, Block Plan drawing no. 22.10.12, Proposed site plan 22.10.10.
- 3) Prior to their first installation, details of the form, colour and finish of all new external walls and roofs shall be submitted to and approved in writing by the Local Planning Authority. The development shall then be carried out in accordance with the approved details.
- 4) Prior to the occupation of the development, full details of hard and soft landscaping and 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 works or development in connection with drainage shall take place until a scheme for surface water drainage has been submitted to, and approved in writing by the Local Planning Authority. This scheme shall be indicated on a drainage plan. If possible infiltration techniques are to be used and the plan shall include the details and results of field percolation tests. If infiltration drainage is not possible on this site, an alternative method of surface water disposal should be submitted for approval. There shall be no increase in runoff from the site compared to the pre-development situation up to the 1 in 100 year event plus an allowance for climate change. 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 the first 5 metres of the access into the development, measured from the edge of the carriageway, has been surfaced in a bound material.
- 7) The Development hereby permitted shall not be first occupied until sheltered, safe, secure and accessible cycle parking to comply with the Council's adopted highway design guide 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 only.
- 8) The Development hereby approved shall not be occupied until the access and parking have been provided as shown on drawing 22. 10. 10.
- 9) The Development hereby approved shall not be occupied until the visibility splays shown on drawing 22. 10. 10. have been provided. The splays shall at all times be maintained free of level obstruction exceeding a height of 0.6m above adjacent carriageway.
- 10) Within 6 months of the completion of the development, to provide a net gain in biodiversity, one schwegler bird and one bat box or equivalent shall be placed on site in suitable locations at least 3 metres above ground level facing to the south or east and kept thereafter in perpetuity.