



Appeal Decision

Site visit made on 11 November 2024

by N Robinson BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 13 November 2024

Appeal Ref: APP/Z3445/D/24/3348286

184 Kettlebrook Road, Tamworth, Staffordshire B77 1AX

- 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 Gary Jennings against the decision of Tamworth Borough Council.
 - The application Ref is 0096/2024.
 - The development proposed is described as "to erect a 2 storey 'granny flat' to side of existing property to be ancillary to No. 184".
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Decision

1. The appeal is dismissed.

Main Issue

2. The main issue is the effect of the proposal on the character and appearance of the host dwelling and the surrounding area.

Reasons

3. 184 Kettlebrook Road occupies a spacious corner plot and has been extended to the side. The property comprises one half of a pair of attractive, substantial redbrick semi-detached dwellings which are elevated above the adjacent roads, and which appear prominent within the street scene. The appeal property is located within a varied street scene which comprises commercial units and dwellings of varied forms and architectural styles. This, in combination with planting along the site boundaries and within the street scene, results in a varied and verdant character to the area.
4. The appeal proposal seeks to erect a side extension which would comprise a dependent relative's annexe. The proposal would be constructed using materials to match the host dwelling and would be set down from the ridge of the main dwelling. A complementary architectural narrative would be achieved through the incorporation of details including eaves corbelling and an ornate ridge. However, the extension, in combination with the existing side extension would exceed the width of the original dwelling by approximately 3 metres. This would result in a bulky and dominant addition which would unacceptably detract from the host building. Given the elevated nature of the appeal property and its siting within a corner plot, the excessive scale and dominating effect of the proposal would be readily apparent in views from Kettlebrook Road and Campion Drive, where its incongruous form would detract from the wider street scene.

5. It is proposed to remove a tree to facilitate the proposal. Though it is stated that this tree is not of good form, this is not evidenced by a tree survey, and at my site visit I observed that it contributes positively to the character and appearance of the appeal property and the surrounding area. Whilst the appellant references the opportunity to supplement the existing landscaping, this detail is not before me. In any case, I am unconvinced that replacement landscaping would compensate for the loss of this tree or that it would be capable of satisfactorily disguising the scale of the proposed extension.
6. For the reasons set out above, the proposal would result in harm to the character and appearance of the host dwelling and the surrounding area. Conflict therefore arises with those aims of Policy EN5 of the Tamworth Local Plan (2016) which seek to ensure that development conserve or enhance the setting of development. I also find conflict with the Design: Supplementary Planning Document (2019), which has similar aims, and which seeks to ensure that side extensions are subservient and no greater than 50% of the width of the original building.

Other Matters

7. The proposal would assist in providing accommodation for a family member who, due to age reasons, would benefit from the support of the appellant. Accordingly, the development would bring demonstrable social benefits for the appellant and his family. These are personal circumstances to which I attribute weight in favour of the appeal. In weighing the personal circumstances in the planning balance, this must be considered against the adverse effect on the character and appearance of the host dwelling and the surrounding area.
8. I have had due regard to the Public Sector Equality Duty contained in Section 149 of the Equality Act 2010, which specifies the need to eliminate unlawful discrimination, harassment and victimisation, and to advance equality of opportunity and foster good relations between people who share a protected characteristic and people who do not share it. I have also had regard to rights conveyed within the Human Rights Act.
9. In respect of the above, a refusal of planning permission is a proportionate, and necessary approach to the legitimate aim of ensuring that development does not result in harm to the character and appearance of the host dwelling and the surrounding area. Whilst I acknowledge the personal circumstances of the appellant, this is not a matter that outweighs the harm that would be caused by the proposed development in respect of my conclusions on the main issue.

Conclusion

10. For the reasons given above, the proposal is contrary to the development plan. There are no material considerations that indicate the decision should be made other than in accordance with the development plan. Therefore, the appeal is dismissed.

N Robinson

INSPECTOR