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## Appeal Decision

Site visit made on 13 November 2024

**by C Rafferty LLB(Hons), Solicitor**

**an Inspector appointed by the Secretary of State**

**Decision date: 22 November 2024**

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**Appeal Ref: APP/Q1825/W/24/3346373**

**Land off Pool Bank, Worcestershire, Redditch, B97 4JS**

- 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 Andy Wilkes against the decision of Redditch Borough Council.
  - The application Ref is 23/01004/FUL.
  - The development proposed is Proposed New 3 Bedroom Dormer Bungalow with Ancillary Parking
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### Decision

1. The appeal is dismissed.

### Preliminary Matters

2. On 30 July 2024 the Government published a consultation on proposed reforms to the National Planning Policy Framework (the Framework) and other changes to the planning system. Whilst a direction of travel has been outlined within the Written Ministerial Statement (WMS), which is a material consideration, the proposed changes to the Framework can only be given limited weight at this stage, given that no final document has been published. The main parties have been provided with an opportunity to comment on these documents and their responses have been taken into account, where received.

### Main Issues

3. The main issues are the effect of the proposed development on: the character and appearance of the area; and the living conditions of future occupiers with particular regard to light, privacy, and outlook.

### Reasons

#### *Character and appearance*

4. The appeal site is a sloping area of undeveloped land off Pool Bank, close to the junction with Mount Pleasant. Mount Pleasant has a dense urban character, comprising tight knit residential and commercial built form. However, sloping down towards Pool Bank the pattern and placement of development is notably more sporadic, before transitioning to an open, tree-lined road further east.
5. The site sits to the east of the two storey residential dwelling of The Lodge and the three storey Lydan House apartment block. In addition, I observed the development of a nearby apartment block at Torrs Close. Nevertheless, due to its current undeveloped nature, the appeal site serves to mark the transition

from the built up Mount Pleasant to the more open Pool Bank, contributing positively in this regard to the character of the immediate area.

6. The proposal seeks to erect a three bedroom dormer bungalow. This would be largely screened from Mount Pleasant. However, despite existing and proposed planting at the site, it would be readily visible when travelling west along Pool Bank. Even noting its bungalow nature and stepped-down side elevation, due to its elevated position and steep pitched roof, the proposal would be a prominent addition to the immediate area.
7. The proposal would reduce the openness of the appeal site and the contribution this currently makes to the surrounds. Combined with surrounding development, it would result in a level and placement of built form that would be at odds with the more open and sporadically developed character of Pool Bank. This would be heightened by the placement of the proposal relative to Lydan House. Rather than serving to break up a harsh elevation of this building, it would reduce its overall legibility and result in a sense of tight-knit development that would fail to respect or reflect the character of Pool Bank, overall appearing out of place.
8. I acknowledge the diversity and scale of surrounding built form, and the more densely developed nature of the wider area. I further note the limited objections from the Council with regard to the precise design of the dwelling. Nevertheless, the site makes an important contribution to the immediate character of Pool Bank that would be lost as a result of the proposal.
9. For the reasons given, the proposal would cause significant adverse harm to the character and appearance of the area. As such, it would fail to comply with Policies 39 and 40 of the Borough of Redditch Local Plan No. 4 2019 (the Local Plan), the Borough of Redditch High Quality Design Supplementary Planning Document (the SPD), and the provisions of the Framework insofar as they seek to ensure development is of a high quality design that reflects or complements local surroundings and contributes positively to the local character of the area.

#### *Living conditions*

10. In accordance with the SPD, the proposal should have a minimum of 70sqm of outdoor amenity space, such that the 260sqm provided is well in excess of this.
11. Concerns have been raised that the rear space would not provide adequate privacy due to potential overlooking from Lydan House and The Lodge, which both feature upper floor windows. However, the placement of the proposal relative to these properties is such that primary, direct views from Lydan House would be towards the side of the proposed dwelling rather than towards the amenity space. In addition, 4 metre tall trees are proposed along the boundary of the site, which would further screen the rear garden from Lydan House despite the taller nature and higher positioning of this apartment building.
12. Views of the proposed garden space would be possible from the first floor habitable room window of The Lodge, which rises above the 1.8m high close boarded boundary fence at the site. However, the orientation of this property and the overall amount of rear amenity space proposed mean that clear and direct views of much of the rear garden would be unlikely from this room at The Lodge. As such, overlooking, or the perception of overlooking, of the rear

garden space of the proposal would not be to an unacceptable degree that would unduly impede the living conditions of future residents.

13. Nevertheless, it remains that the proposed rear amenity space would be enclosed by both built form and trees along much of its boundaries. Lydan House and The Lodge would be to the west with limited setback, and with 4 metre tall trees also present in front of Lydan House. The east and southeast boundaries would also be lined with tall, dense trees. The combination and extent of this built form and planting in close proximity would result in the rear amenity space of the proposal feeling enclosed, despite its overall scale, with these surrounding features reading as overbearing from the rear garden.
14. I acknowledge that there is no expectation that a garden space should always be bright or in direct sunlight, and note the southern facing nature of the proposed amenity space and the fact that prospective purchasers would be aware of the situation on site. Nevertheless, the amount and proximity of built form and tall, dense trees along much of the boundary of the proposed garden would, in addition to appearing overbearing, also reduce the amount of light reaching this space. This would cause overshadowing and increase the length of time during the day when the garden would lack direct sun. In the absence of substantive evidence to the contrary I cannot be certain that this overshadowing would not be of an unacceptable level with regard to the amenities of future occupiers, unduly impeding their enjoyment of this space.
15. For the reasons given, the proposal would cause significant adverse harm to the living conditions of future residents of the scheme with particular regard to outlook and light. As such, it would fail to comply with the provisions of the Framework and the SPD insofar as they seek to ensure development provides a high standard of amenity for future users. Policies 39 and 40 of the Local Plan have also been cited in the decision notice. Policy 40 seeks to ensure development incorporates guidance within the SPD such that the proposal would be in conflict with this. However, Policy 39 relates primarily to design and the built environment, which are not covered by this reason for refusal.

### **Other Matters**

16. The proposal would result in the creation of a dwelling, adding to housing mix and choice in an established residential area. It would make efficient use of space and optimise the use of the site which, prior to this application, appears to have been overgrown and prone to fly tipping. This is a benefit of the scheme. However, even noting the contribution small and medium sized sites can make, due to the single dwelling nature of the proposal this benefit carries only moderate weight. Even noting the WMS and proposed Framework reforms, this would not outweigh the harm I have identified.

### **Conclusion**

17. For the reasons given, the proposal would not accord with the development plan when taken as a whole. There are no material considerations that indicate the appeal should be determined other than in accordance with the development plan. I therefore conclude that the appeal should be dismissed.

*C Rafferty*

INSPECTOR