



Appeal Decision

Site visit made on 5 November 2024

by U P Han BSc (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 9 December 2024

Appeal Ref: APP/C3430/W/24/3345580

Garages Site at Heather Drive, Huntington, WS12 4NR

- 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 J Langford Jones of JMT Jones Limited against the decision of South Staffordshire District Council.
 - The application Ref is 23/01014/FUL.
 - The development proposed is Erection of 1no 2 bed bungalow.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are the effect of the proposed development on:
 - the useable area of public open space at Heather Drive; and
 - the character and appearance of the surrounding area; and
 - the living conditions of the occupiers of 7 and 8 Bracken Road (No 7 and No 8) with regard to light.

Reasons

Public Open Space

3. The appeal relates to an elongated strip of land with a block of six garages and hard surfacing at one end and open space comprising a grassed area at the other end. The grassed area on the corner of Heather Drive and the thin sliver of grass along the western boundary of the site is recorded on the Council's Open Space Audit as 'Ling Road Housing Estate – Incidental Open Space'.
4. Policy HWB1 of the Core Strategy (December 2012) (the CS) indicates that the Council will not permit the loss of existing outdoor space unless it can be demonstrated that a) there is a proven surplus of provision and the site is no longer needed, or is unlikely to be required in the future, or b) an alternative facility of an equal quantity and quality or higher standard will be provided in at least an equally convenient and accessible location to serve the same community.
5. The National Planning Policy Framework (the Framework) highlights the importance of high quality open spaces for the health and well-being of communities and indicates that existing open space should not be built on unless the listed policy criteria in paragraph 103 are met.

6. The proposal seeks to erect a bungalow in the north part of the site and retain the existing open space in the south part of the site. It also proposes an area of additional open space on the hard surfaced area adjoining the existing open space.
7. The useability of the sliver of open space along the western boundary of the appeal site would be compromised due to the proposed planting of a tree in that narrow space. Furthermore, the proximity of the proposed parking area to the sliver of open space along the western boundary of the site would erode its useability. However, the proposed area of new open space would provide an alternative facility of better standard, due to its more generous size and more functional format, than the existing sliver of open space. As the alternative facility would essentially form an extension of the existing open space, its location would be as equally convenient and accessible as the existing open space and would thus serving the same community.
8. If the appeal were allowed, appropriate planning conditions could be imposed to ensure satisfactory implementation, maintenance and public accessibility of the open space.
9. For these reasons, I conclude that the proposed development would not have an adverse effect on the useable area of public open space at Heather Drive. Consequently, this would comply with Policy HWB1 of the CS insofar as it seeks to protect existing open space.

Character and Appearance

10. The appeal site forms part of a housing estate characterised predominantly by rendered two-storey semi-detached houses with modest front and rear gardens. The sloping topography and series of long narrow open spaces are a distinctive feature of the planned estate which adds to its unique character.
11. The proposal seeks to demolish the existing block of garages and erect a single storey brick-built bungalow with a hipped tiled roof. The siting of the proposed bungalow would broadly reflect the building line of the houses to the north of the site. However, the narrow width of the site and pavement would result in the proposed dwelling sitting very close to the highway at the front. This would be uncharacteristic of the houses in the surrounding area which are generally set back from the highway with front gardens or drives. The proposed dwelling would also be very close to the rear boundary fence of properties on Bracken Road. Consequently, the development would appear cramped and contrived, jarring with the established pattern of development in the area.
12. The land falls relatively steeply in an east to west direction. Due to the ground levels, the dwelling would sit below the level of the highway so that its front elevation would appear partly obscured. Due to its single storey height and position below street level, the dwelling's appearance in the street scene would be dominated by its roof. Consequently, it would appear incongruous and anomalous within the pattern of development in the street and area which is characterised by two storey dwellings presenting a full elevation to the road.
13. The proposal includes 1.2-metre-high railings to the front of the property along Heather Drive. The prevailing boundary treatment in the area is timber fencing, hedges and low brick walls. Consequently, railings would add to the

incongruity of the proposal, as well as further obscure the dwelling and draw attention to its diminutive height.

14. The front elevation of the proposed bungalow would feature two small obscurely glazed windows and an entrance door. A large proportion of the front elevation would comprise brickwork thereby resulting in a lack of visual interest. The appellant contends that the expanse of blank façade is not dissimilar to other properties in the street such as 1 and 2 Heather Drive. However, these dwellings contain more fenestration in proportion to the overall size of their front elevation than the proposed dwelling.
15. If the appeal were allowed, planning conditions could be imposed to render the property in a style consistent with neighbouring homes and plant climbers against the façade. However, this would not mitigate the harm that would be caused to the character and appearance of the surrounding area due to the dwelling's design, siting and height.
16. For these reasons, I conclude that the proposed development would significantly harm the character and appearance of the surrounding area. Hence, it would conflict with Policy EQ11 of the CS insofar as it requires development to be of the highest quality design and respect local character and distinctiveness.

Living Conditions

17. The proposed dwelling would be sited close to the rear boundary fence of Nos 7 and 8. The rear elevation of the bungalow would be approximately 13 metres from the rear elevation of Nos 7 and 8, which have windows to habitable rooms on the ground and first floor.
18. The appellant's appeal statement demonstrates that despite the change in ground levels, the proposed dwelling would not cross a 25-degree vertical line drawn from the ground floor window of Nos 7 and 8. This demonstrates that sufficient light would be able to reach the rear windows of Nos 7 and 8. However, a reduced amount of the light would be received by the rear gardens of those properties. Due to the relatively modest size of the rear gardens of Nos 7 and 8, the decreased level of light received by them would have a markedly harmful effect on the living conditions of the occupiers of those properties.
19. For these reasons, I conclude that the proposed development would harm the living conditions of the occupiers of 7 and 8 Bracken Road (No 7 and No 8) by virtue of the loss of light to their rear gardens. Accordingly, it would not comply with Policy EQ9 of the CS insofar as it requires development proposals to take into account the amenity of nearby residents including having regard to daylight.

Planning Balance and Conclusion

20. The district currently has a 3.6 year housing land supply as set out in the Council's 'Housing Monitoring and Five Year Housing Land Supply' (dated 1 April 2024). Under paragraphs 226 and 77 of the Framework, the Council is required to demonstrate a 4 year housing land supply as it has an emerging local plan which has reached Regulation 19 Stage. Consequently, paragraph 11(d) of the Framework is engaged and permission should be granted unless any adverse impacts would significantly and demonstrably outweigh the

benefits, when assessed against the policies in the Framework taken as a whole.

21. The proposal would deliver one additional dwelling, contributing to meeting the housing shortfall in the area. This would support the Government's aim of boosting the supply of homes in accordance with the Framework. The new dwelling would have associated social and economic benefits both during and post construction. The proposal would make effective use of previously developed underutilised land in an accessible location. It would also broaden the house type and size available in the area. While the proposal of one additional dwelling is small in scale, it would nonetheless make a useful contribution to the housing supply as indicated by paragraph 70 of the Framework. These are all positive benefits, however, given the small scale of the development, these benefits would be modest and carry moderate weight.
22. The appellant has referred to the biodiversity benefits of the scheme. However, given the lack of substantive evidence to support how the stated benefit would be achieved, I afford it limited weight.
23. The proposal would cause significant harm to the character and appearance of the surrounding area. It would also harm the living conditions of the occupiers of Nos 7 and 8 due to the loss of light to their rear gardens. This leads me to an overall conclusion that the appeal scheme would not accord with the development plan, and I find that the adverse impacts of the proposal are matters of significant weight against the grant of planning permission that outweigh the benefits identified.
24. The proposal conflicts with the development plan and the material considerations do not indicate that the appeal should be decided other than in accordance with it. For the reasons given above the appeal should be dismissed.

U P Han

INSPECTOR