



Appeal Decision

Site visit made on 9 April 2025

by Hannah Guest BSc (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 30th April 2025

Appeal Ref: APP/P1805/W/24/3354657

2 Kenyon Close, Bromsgrove, Worcestershire, B60 2DL

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant permission in principle.
 - The appeal is made by Mr Tom Collings against the decision of Bromsgrove District Council.
 - The application Ref is 24/00474/PIP.
 - The development proposed is erection of a single dwelling.
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Decision

1. The appeal is dismissed.

Applications for costs

2. An application for costs was made by the appellant against the Council. This is the subject of a separate decision.

Procedural Matters

3. The proposal is for permission in principle. Planning Practice Guidance (PPG) advises that this is an alternative way of obtaining planning permission for housing-led development. The permission in principle consent route has 2 stages: the first stage (or permission in principle stage) establishes whether a site is suitable in-principle and the second ('technical details consent') stage is when the detailed development proposals are assessed. This appeal relates to the first of these 2 stages.

Main Issue

4. The main issue in this appeal is whether the site is suitable for residential development, having regard to its location, the proposed land use, and the amount of development.

Reasons

5. The appeal site is located within the built-up area of Bromsgrove and within walking distance of the services and facilities in Bromsgrove Town Centre. There is no dispute between the parties that in broad terms this location would be sustainable and suitable for new residential development.
6. 2 Kenyon Close is set back a significant distance from the highway and the appeal site comprises its frontage. It is currently laid to lawn with a perimeter hedge abutting the highway.

7. Policy BDP19 of the Bromsgrove District Plan 2011-2030 (2017) (Local Plan) resists the development of garden land unless it fully integrates into the residential area and is in keeping with the character and quality of the local environment. It also requires development to provide an enhancement to the character and appearance of the area.
8. The appeal site is located at the entrance of Kenyon Close on its corner with The Crescent. This part of Bromsgrove has a reasonably fine urban grain, which reflects its proximity to the town centre. It is characterised by 2 to 3 storey houses in a variety of forms, including detached, semi-detached and terraced properties. The houses also vary in their age, style and features. Most of the houses are set back from the highway, which creates a sense of spaciousness. Hedges and trees within frontages add greenery, which helps soften the street-scene.
9. The appeal site, given its corner position, is prominent in the street scene. In its current form it adds to the sense of spaciousness and the perimeter hedge makes a positive contribution to the street scene. Nonetheless, I saw on my visit that open corners are not a common characteristic of the immediate area.
10. Opposite the appeal site on the other corner of Kenyon Close and The Crescent is No. 13 The Crescent, a detached moderate sized property. A single dwelling on the appeal site would therefore not appear out of keeping, especially if the existing perimeter hedge was retained. I appreciate that the introduction of built form on the appeal site would reduce its openness, and this would erode the overall sense of spaciousness of the immediate area to a small degree. However, in this case, the prevailing sense of spaciousness arises from the dwellings being set back from the highway. Although the proposed dwelling would be closely surrounded by existing houses, this would be consistent with the existing urban grain and characteristics of the immediate area.
11. Notwithstanding this, the Council considers a bungalow would be out of keeping with the 2-3 storey dwellings in the immediate area. From my observations on site, I am of a similar view that a single storey dwelling in this case would appear incongruous in the street-scene and would harm the character and appearance of the area. Therefore, in this case, while there is no detailed layout or design for the proposed dwelling before me, to maintain the character and appearance of the area, a single dwelling on the appeal site would need to be consistent with the 2-3 storey scale of the surrounding houses.
12. I saw on site that Nos 11 and 15 Old Station Road, which back on to the appeal site, have short rear gardens, and the width of the appeal site between Kenyon Close and these rear gardens is narrow. Given this, objectively, there does not appear to be a scheme for a 2-3 storey single dwelling that would not result in a significant effect on the outlook from these properties to the detriment of the existing occupants living conditions. Although there is some reasonably tall existing hedging and trees on the boundary between the appeal site and Nos 11 and 15 Old Station Road, there is no guarantee that the hedging and trees would be retained into the future. Any planting proposed at technical details stage and implemented as part of the proposal could only be reasonably secured for a set period of time, normally five years. After this period, it could be trimmed, replaced or removed. Thus, this type of boundary landscaping should only be used to soften a development or help integrate it into its surroundings and not as a screen to mitigate otherwise unacceptable impacts.

13. In addition, given the proximity of the surrounding dwellings and the size and shape of the appeal site, it would likely be challenging for a single dwelling on the site to meet the separation distances set out in the Council's High Quality Design SPD (2019) (SPD). Although matters of detail, such as these, are more often considered at technical details consent stage, the distance between buildings can be fundamental in assessing whether a site would be suitable for the type and amount of development proposed.
14. The separation distances set out in the SPD seek to ensure that a suitable degree of privacy is achieved, which would provide adequate living conditions for both future occupants of the proposal and existing occupants of the neighbouring houses. By virtue of the proximity of the surrounding dwellings and the size and shape of the appeal site, I share the Council's reservations regarding whether a 2-3 storey single dwelling could be constructed on the appeal site without causing significant detrimental harm in this regard.
15. Furthermore, in the absence of evidence to the contrary, I also find it unlikely to be physically possible to fit a single dwelling, private amenity space, parking and a turning area on the appeal site, even for a smaller house, such as 1 or 2 bed. The amount of development proposed is an 'in principle' matter, and to allow the appeal without any confidence that the amount of development proposed could be delivered on the appeal site would be unreasonable.
16. Overall, I appreciate that there is no detailed layout or design of the proposed dwelling before me that demonstrates a single dwelling on the appeal site would be unacceptable in terms of its potential effect on the living conditions of future and existing occupants. Nevertheless, from the information before me and my observations on site, I cannot envisage a situation where a scheme for a single dwelling on the appeal site would both maintain the character and appearance of the area and provide acceptable living conditions for existing and future occupants. Thus, for the reasons above, the appeal site, despite its accessible location would be inherently unsuitable for the land use and amount of development proposed.
17. In this case, it would not be possible to reconcile the requirements of Policies BDP7 and BDP19 of the Local Plan, which support the efficient use of land, where the character and quality of the local environment is maintained, with the requirement of Policy BDP1 (e) of the Local Plan, that, when considering all proposals for development, regard be had to compatibility with adjoining uses and the impact on residential amenity. As a result, conflict with the development plan would arise.

Other Matters

18. In terms of benefits, the proposal would provide a new dwelling in an accessible location. The Council does not currently have a five-year supply of deliverable housing sites. The five-year land supply position as of April 2024 was 3.67 years. This is a significant shortfall. A single dwelling would make a modest, yet meaningful contribution to the district housing supply. I therefore afford the delivery of a single dwelling on the appeal site moderate weight in my decision.
19. There would also be some modest economic and social benefits associated with the construction of the dwelling and its subsequent occupation.

Planning Balance and Conclusion

20. Given the shortfall in housing supply, paragraph 11d) of the National Planning Policy Framework (the Framework) falls to be considered. For the reasons above, I have found that the appeal site would not be suitable for the proposed land-use and amount of development. I cannot envisage a situation where a scheme for a single dwelling on the appeal site would be able to reconcile the requirements of Policies BDP7 and BDP19 of the Local Plan with Policy BDP1 (e) of the Local Plan. Thus, the proposal would result in conflict with the development plan read as a whole.
21. Policies BDP7, BDP19 and BDP1 (e) are broadly consistent with the Frameworks aim to create high quality, beautiful and sustainable buildings, and places by, among other things, ensuring developments are visually attractive and sympathetic to local character, and by creating places with a high standard of amenity for future users. This is considered fundamental to what the planning and development process should achieve, and paragraph 139 of the Framework advises that development that is not well designed should be refused.
22. Accordingly, in this case, the importance of good design is determinative. When assessed against the policies in the Framework, taken as a whole, the adverse impacts of the proposal either on the character and appearance of the area or the living conditions of future and existing occupants would significantly and demonstrably outweigh its moderate benefits.
23. For the reasons above, having had regard to the development plan as a whole and all relevant material considerations, I conclude that the appeal should be dismissed.

Hannah Guest

INSPECTOR