



Appeal Decision

Site visit made on 3 November 2025

by **D Marley BA (Hons) MSc MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 4 December 2025

Appeal Ref: APP/P1805/W/25/3371634

Land off Elmwood Grove, Hollywood B47 5DS

- 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 A Neale against the decision of Bromsgrove District Council.
 - The application Ref is 25/00451/FUL.
 - The development proposed is demolition of existing garages and construction of 1no. dwelling together with associated external works, car parking and landscaping.
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Decision

1. The appeal is allowed and planning permission is granted for demolition of existing garages and construction of 1no. dwelling together with associated external works, car parking and landscaping at Land off Elmwood Grove, Hollywood B47 5DS in accordance with the terms of the application, Ref 25/00451/FUL, subject to the conditions in the attached schedule.

Main Issues

2. The main issues are:
 - the effect of the proposed development on the character and appearance of the area; and
 - the effect of the proposed development on the living conditions of the occupiers of 2 and 3 Elmwood Grove, with particular regard to outlook.

Reasons

Character and Appearance

3. The appeal site comprises existing garages and hardstanding located within an established residential area. Rear gardens of neighbouring properties adjoin the appeal site. Nearby residential dwellings and their associated rear gardens are constructed with a generally consistent approach with regards size and scale, albeit one that allows for variation between individual plots. This includes both gardens of a variety of sizes alongside plots where dwellings extend across the majority of the frontage. A number of properties in proximity to the appeal site are able to utilise existing passageways to allow for an alternative access to a rear garden.
4. The proposed development would introduce a single dwelling and rear garden. The dwelling would extend across the majority of the plot frontage and incorporate mixed material treatments, hip and gable roof features, and would be partially set back on one side elevation. The proposed development would additionally include

an approximately 2 metre wide passageway to facilitate pedestrian access to the rear gardens of neighbouring properties.

5. Whilst the proposed development would be larger than some nearby residential dwellings, the difference in scale would be relatively limited. In addition, whilst the proposed dwelling would extend across the majority of the frontage, this would not appear discordant within the street scene given the presence of similarly laid out dwellings nearby. Equally, the rear garden would not be noticeably different in size or scale when compared to surrounding dwellings, nor materially undersized when compared to the extent of the proposed dwelling. The size of the rear garden square metreage would be larger than the minimum required in the High Quality Design SPD (the 'SPD'). In addition, whilst the development would introduce side elevations that were visible within the street scene, the combination of the proposed roof structure, the mixed materials treatments, and the partial setback of the dwelling on one side elevation, would soften the effect of the side elevations of the proposed dwelling, and avoid the dwelling appearing bulky or overly dominant.
6. The proposed dwelling would therefore not undermine the generally consistent approach to size and scale that characterises the prevailing pattern of local development, and would be of an appropriate form, scale and massing when compared to both the plot upon which it would be sited and other development nearby.
7. Noting the presence of existing passageways, some of significant length, allowing for alternative access to rear gardens, the proposed passageway would be read as a similar feature. Whilst the side elevation of the proposed dwelling would be apparent for users of the proposed passageway, the relatively open nature of the rear gardens to the north of the appeal site would provide the passageway a degree of openness. As a result, the proposed passageway would neither appear contrived nor unwelcoming, nor be harmful to the appearance of the area.
8. I therefore conclude that the proposed development would not have a harmful effect on the character and appearance of the area. The proposed development would comply with the relevant provisions of Policy BDP19 of the Bromsgrove District Plan 2011-2030 which, amongst other matters, seeks to ensure development proposals enhance the character and distinctiveness of the local area.

Living Conditions

9. The proposed development would introduce additional built form to the rear of 2 and 3 Elmwood Grove. This would be visible from both rear gardens and the rear ground and first floor windows of these dwellings.
10. The properties at Nos 2 and 3 have good sized rear gardens. The side elevation of the proposed dwelling would be located beyond the far end of these rear gardens, with the proposed passageway providing a further set back of the proposed dwelling from these gardens.
11. Whilst I have not been provided with precise distances of the proposed dwelling from all potentially affected areas of Nos 2 and 3, the proposed dwelling would be located a significant distance from both their rear elevations as well as those areas of garden that are likely to be more heavily utilised. The incorporation of the hipped primary roof within the side elevation of the proposed dwelling would further reduce the effect of the development upon the outlook from these identified properties and

their rear gardens. As a result, the proposed development would not appear overbearing to the occupiers of Nos 2 and 3. Nor would the proposed development materially affect the occupiers' enjoyment of their rear gardens. Whilst the outlook from Nos 2 and 3 would change as a result of the proposed development, I do not consider that the change would be harmful.

12. I therefore conclude that the proposed development would not have a harmful effect on the living conditions of the occupiers of 2 and 3 Elmwood Grove, with particular regard to outlook. The proposed development would comply with the relevant provisions of Policy BDP1 of the Bromsgrove District Plan 2011-2030 which, amongst other matters, requires regard to be had to the impact of development proposals upon residential amenity.

Other Matters

13. A number of parties have raised the issue of the usability of the proposed passageway and the impact this would have on the enjoyment of rear gardens by existing and future residents. Based on the evidence before me, the primary purpose of the passageway would be for occasional use as an alternative to taking items through a main dwelling, and the proposed width and arrangement would be appropriate for typical items such as bicycles, bins or garden waste. The likely occasional nature of its use would not affect the ability of current or future residents to enjoy their rear gardens.
14. My attention has also been drawn to occupants of existing dwellings who use the current access afforded by the appeal site to their rear gardens. Whilst I accept that changes resulting from the proposed development may be an inconvenience, I cannot conclude that the change is such that it would result in an adverse impact to the living conditions of these occupiers. I also see no reason to disagree with the conclusions of the highways authority, who have also not raised an objection in this regard.
15. Interested parties have raised concerns with regards disruption resulting from construction activity and the impact to on street parking resulting from the proposed development. I consider such matters can be adequately managed through conditions addressing the hours of operation for construction works and securing the parking proposed as part of the development.
16. Concerns have also been raised with regards the potential effect of the proposed development upon other living condition matters not considered as a main issue in this appeal such as matters of natural light and privacy, and the potential effect of the proposal on the outlook of occupiers of other nearby properties. Comments have additionally been raised with regards matters of pedestrian safety. Neither the Council, nor relevant consultees such as the highways authority, have raised objections with regards these matters. I see no reason to take a different view.
17. Whilst comments have been made with regards the potential effect of the development on existing utilities and drainage, neighbouring boundary treatments and similar structures, local wildlife, access for larger vehicles, and matters of housing tenure, there is no substantive evidence before me that the proposed development would result in an adverse impact in these regards.
18. Comments from a neighbouring occupier in respect of personal circumstances are acknowledged. In determining this appeal, I have had due regard to the Public

Sector Equality Duty in Section 149 of the Equality Act 2010. This requires me to consider the need to eliminate unlawful discrimination, to advance equality of opportunity and foster good relations between people who share a protected characteristic and people who do not share it. Protected characteristics include a person's disability. Wider planning considerations are paramount but nevertheless the particular effects of the proposed development in this location is a matter to which I give moderate weight in assessing the proposals. Given my conclusions with regards living conditions, and subject to the imposition of the above referred to condition in relation to hours of operation of demolition and construction processes, the proposal would not have unacceptable effects. In view of this, the proposed development would not disproportionately affect persons with protected characteristics.

19. Whilst comments have been made with regards the effect of the proposed development on local house prices, Planning Practice Guidance sets out that planning is concerned with land use in the public interest, rather than the protection of purely private interests such as the impact of a development on the value of a neighbouring property.

Conditions

20. The Council has recommended a number of planning conditions to be imposed in the event that the appeal is allowed. I have assessed the Council's suggested conditions with reference to the advice in the National Planning Policy Framework (the 'Framework') and Planning Practice Guidance. I have amended the wording of some, and combined provisions of others, without altering their fundamental aims.
21. In addition to the standard time limit condition, in the interests of certainty I have imposed a condition requiring that the development is carried out in accordance with the approved plans.
22. The Council has also proposed that any plans condition includes reference to a plan for a proposed garage. No such plan is before me, and a proposed garage neither forms part of the proposals nor is such a plan referenced on the Council's decision notice. Therefore, I do not consider this to be necessary or relevant.
23. To ensure the site is suitable for its proposed use taking account of potential risks from contamination, I have imposed a condition requiring the submission of further details following an assessment of land contamination. It is necessary for this condition to be a pre-commencement condition to ensure that matters of land contamination are established, and where appropriate remediated, prior to works starting on site.
24. A condition is necessary to ensure the submission and approval of full details of external materials to be used on the proposed dwelling to maintain the character and appearance of the area. Details of landscaping works are necessary to be submitted in order to ensure the development maintains the character and appearance of the area.
25. To ensure the proposal makes adequate provision to manage surface water runoff, I have imposed a condition requiring the submission and implementation of a surface water drainage strategy.

26. To ensure the development does not result in an unacceptable impact to existing trees and hedges, I have imposed a condition requiring the submission and approval of an arboricultural method statement. As the arboricultural method statement will include details with regards the installation of hard surfacing to demonstrate that operations can be undertaken with minimal risk of adverse impact on existing trees, this removes the need for a separate condition related to this matter.
27. To ensure the living conditions of existing residents are not adversely affected through disruption resulting from site clearance, demolition or construction works, I have imposed a condition identifying the hours during which such operations can take place.
28. I have imposed conditions related to the provision of cycle storage, the provision of the access and its surfacing in a bound material, and parking, to ensure that the availability of alternative modes of transport is prioritised and to ensure the development does not result in an adverse impact upon highway safety.
29. The Council has also proposed that some permitted development rights should be removed through condition to protect the living conditions of future occupiers of the proposed dwelling with regards matters of private amenity space. The Framework advises that conditions should not be used to restrict national permitted development rights unless there is clear justification to do so. Evidence has not been presented as to why the exercise of such permitted development rights would result in an adverse impact to the living conditions of the future occupiers of the proposed dwelling, and I do not therefore consider that clear justification exists to restrict national permitted development rights for such a reason.

Conclusion

30. For the above reasons, having had regard to the development plan as a whole and all other relevant material considerations, I conclude that the appeal should be allowed.

D Marley

INSPECTOR

Schedule of Conditions

1. The development hereby permitted shall begin not later than three years from the date of this decision.
2. The development hereby permitted shall be carried out in accordance with the following approved plans: PL-01 Location + Block Plan, PL-03 Proposed Site Plan, PL-04 Proposed Site Compliance Plan, PL-05 Plot 1_Proposed Plan + Elevations.
3. No development shall take place until an assessment of the risks posed by any contamination, in the form of a preliminary risk assessment report, has been submitted to and approved in writing by the Local Planning Authority.

This shall take the form of a Phase I desk study and site walkover and shall include the identification of previous site uses, potential contaminants that might reasonably be expected given those uses and any other relevant information. The preliminary risk assessment report shall contain a diagrammatical representation (conceptual model) based on this information and shall include all potential contaminants, sources and receptors to determine whether a site investigation is required.

In the event that the preliminary risk assessment report identifies that the site is at risk of contamination, no development shall take place until a scheme for detailed site investigation, assessing the nature and extent of any contamination and based on the findings of the preliminary risk assessment report, has been submitted to and approved in writing by the Local Planning Authority. No development shall then take place until the detailed site investigation and risk assessment has been undertaken in accordance with the approved details and a written report of the findings has been submitted to and approved in writing by the Local Planning Authority. The site investigation and risk assessment scheme shall be compiled and undertaken by a suitably qualified contaminated land practitioner and shall be conducted in accordance with the Environment Agency's "Land Contamination: Risk Management" guidance (or equivalent, if replaced).

No development shall take place where (following risk assessment and site investigation) land affected by contamination is found which poses risks identified as unacceptable in the risk assessment, until:

- i. a remediation scheme identifying the necessary measures to bring the site to a condition suitable for the intended use by removing unacceptable risks to identified receptors has been submitted to and approved in writing by the Local Planning Authority. The remediation scheme shall be sufficiently detailed and thorough to ensure that upon completion the site will not qualify as contaminated land under Part IIA of the Environmental Protection Act 1990 in relation to its intended use; and
- ii. the approved remediation scheme has been carried out.

Where an approved remediation scheme has been carried out, the development shall not be occupied until a validation report prepared by a suitably qualified contaminated land practitioner has been submitted to and approved in writing by the Local Planning Authority.

Any contamination that is found during the course of construction of the development hereby permitted that was not previously identified shall be reported in writing immediately to the Local Planning Authority. The development shall not be occupied until:

- i. an investigation and risk assessment of the site has been undertaken and a report of its findings submitted to and approved in writing by the Local Planning Authority;
 - ii. where unacceptable risks are found, additional measures for the remediation of the site have been carried out in accordance with details that have been submitted to and approved in writing by the Local Planning Authority; and
 - iii. following the completion of any measures identified in the approved remediation scheme, a validation report for all the remediation works has been submitted to and approved in writing by the Local Planning Authority.
4. No development above ground level shall take place until details of the form, colour and finish of the materials to be used externally on the walls and roofs have been 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 development above ground level shall take place until a scheme of landscaping, including a planting schedule and showing details of new landscape planting (including species, plant sizes, numbers and densities), has been submitted to and approved in writing by the Local Planning Authority. Before the development is first occupied, the landscaping works shall be carried out in accordance with the approved details.

Any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.

6. No works in connection with site drainage shall take place until details of a scheme for disposing of surface water by means of a sustainable drainage system, including details with regards its management and maintenance for the lifetime of the development, have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details prior to the first occupation of the development. The sustainable drainage system shall be managed and maintained thereafter in accordance with the approved scheme of management and maintenance.
7. No works affecting trees or hedges shall take place until an arboricultural method statement in accordance with paragraph 6.1 of British Standard BS 5837: Trees in relation to design, demolition and construction - Recommendations (or in an equivalent British Standard if replaced) has been submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be carried out in accordance with the approved particulars.
8. Site clearance, demolition or construction works shall take place only between 0800-1800 hours on Monday to Friday and between 0900-1300 hours on Saturday, and shall not take place at any time on Sundays or on Bank or Public Holidays.

9. The development shall not be occupied until space has been laid out within the site for bicycles to be stored and that space shall thereafter be kept available for the storage of bicycles.
10. The development hereby permitted shall not be occupied until the means of access for vehicles has been constructed in accordance with the approved plans and surfaced in a bound material. The access shall be retained thereafter.
11. The development hereby permitted shall not be occupied until the vehicle parking spaces have been provided in accordance with drawing no PL-04. Thereafter those spaces shall be retained for the parking of vehicles only.