



Appeal Decision

Site visit made on 12 March 2007

by **Elaine Benson BA (Hons) Dip TP MRTPI**

an Inspector appointed by the Secretary of State for
Communities and Local Government

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Appeal Ref: APP/R1845/A/06/2031743

6 Adam Street, Kidderminster, DY11 6PS

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
- The appeal is made by P T Jones & Sons against the decision of Wyre Forest District Council.
- The application Ref 06/00899/FULL, dated 29 August 2006, was refused by notice dated 24 October 2006.
- The development proposed is demolition of bungalow & erection of 3 dormer bungalows, 1 garage and new access road.

Decision

1. I dismiss the appeal.

Reasons

2. The appeal site contains a detached bungalow. It slopes down towards Adam Street, is L-shaped and includes land to the rear of No 5. The street has a mixed character, containing properties of varying styles and ages and a builder's yard at No 10. The typical pattern of development on Adam Street and most of the surrounding area is one where buildings front on to the road. On the western side of Adam Street the building line is staggered in parts, whereas the eastern side is more uniform.

Character and appearance

3. Housing in the surrounding area has little design conformity. Given this variety, I consider that the design and detail of the proposed bungalows are acceptable. I agree with the appellant that it is likely that the development would prove attractive to elderly occupiers, thereby meeting a particular housing need. The proposal would provide high quality housing in a sustainable site that makes effective use of previously developed land in accordance with national guidance set out in Planning Policy Statement 3: *Housing* (PPS3). However, PPS3 also reflects the Government's advice in Planning Policy Statement 1: *Delivering Sustainable Development* which states that design which is inappropriate in its context or which fails to take the opportunities available for improving the character and quality of an area should not be accepted. What is important in this case is that the proposed development delivers a higher density of development that is also acceptable within its local context.
4. The bungalows would all be in back garden land, set behind the rear building line of the Adam Street houses. In my opinion this would be out of character with an area where the rear garden areas are generally open, except for small garden buildings such as sheds,

notwithstanding the builders' yard at No 10. I have had regard to the set backs from the building line and spaces around buildings in Adam Street, including the appeal site. In my view their effect is significantly different to the uncharacteristically wide and deep gap in the frontage that would result from the construction of the proposed access to the bungalows. I conclude that this would adversely affect the rhythm of the street and would reduce its enclosure thereby harming the appearance of the street scene and conflicting with the established pattern of frontage development in the area.

5. Interested persons raised concerns about the loss of trees on the site. Having seen their size and condition and noted the comments of the Council's arboricultural officer, I find that the trees are not of any significant amenity value. Replacement trees could be planted around the access and within the proposed development and although such planting would allow for the "greening" of the residential environment, this would not outweigh the harm to the character and appearance of the area I have identified above.
6. I conclude that the proposed layout of the development and its access would harm the character and local distinctiveness of the surrounding area. As such the proposal is contrary to policies D.1 and D.3 of the Adopted Wyre Forest District Local Plan (LP) which seek to secure high quality development that respects its surroundings and policy QE.3 of the Regional Spatial Strategy which among other things reinforces this emphasis on design quality and encourages the creation of safer environments which discourage crime. It would also conflict with national design guidance set out in PPS1 and PPS3 and the advice within the Council's publication *Design Quality - Supplementary Planning Guidance* which since it was subject to extensive public consultation attracts substantial weight.

Effect on neighbours' living conditions

7. There would be no windows in the bungalows' roofs facing the houses in Adam Street other than a roof light above the landing. Therefore, despite the sloping nature of the site, there would be no overlooking from the first floor. Views of the houses from ground floor windows would be interrupted by the existing garden buildings and boundary treatments. I consider therefore that there would be no unacceptable overlooking of these properties. Having regard also to the orientation of the respective windows, in my view the distance between the rear windows of the houses in Birchfield Road and the proposed rear facing dormer windows are sufficient to protect the privacy of their occupiers.
8. However, the siting of the bungalows would result in overlooking of the rearmost parts of the nearest Birchfield Road gardens. Although I acknowledge that the overlooking of gardens is a general feature of suburban areas, and note that this would be oblique, I conclude that there is insufficient separation between the dormer windows and the rear site boundary and that the proposed development would result in a loss of privacy to what is currently the most secluded part of the Birchfield Road gardens.
9. The height and bulk of bungalows 1 and 3 would be visible above the side boundaries with Nos 4 and 8 Adam Street. In combination with their proximity to the boundaries, I conclude that they would have an overbearing effect on the occupiers of the neighbouring properties and that this effect would be exacerbated by the narrowness of the neighbours' gardens.

10. In respect of noise and disturbance generated by the proposed development, I note the appellants' comments that the access road could be fenced and landscaped to act as a buffer with neighbouring dwellings. However, given how close the bungalows and parking areas would be to the site boundaries, I do not consider that landscaping could effectively overcome the inevitable noise and disturbance that would arise from general activity and vehicle movements.
11. Contrary to the appellants' view, I find that houses set back from the road as proposed would not effectively contribute to surveillance of the surrounding area. Furthermore, the development would open up the rear garden areas to public access thereby reducing neighbouring householders' security. These concerns add weight to my conclusion that the proposed development would harm the living conditions of neighbouring occupiers and conflicts with policy D.1 of the LP.

Protected Species

12. There is no specific evidence before me indicating that protected species are present on the site and this is confirmed by the Council. However, having seen the site and considered all the evidence submitted, in my view there is a reasonable likelihood of protected species being present. I conclude that a precautionary approach should be adopted to ensure that their presence or otherwise is determined in advance of the commencement of any development on the site. Although it would have been prudent to have carried out investigative work, had I found the proposal to be acceptable, this matter could have been addressed by appropriate conditions.

Other matters

13. In reaching my decision I have had regard to sites at 216 Sutton Park Road, which was the subject of an appeal reference APP/R1845/A/05/1173835, and Claughton Street. Both of these sites are near to the appeal site and therefore relevant to my consideration of this appeal. In the case of Sutton Park Road, which is similar to the appeal proposal in that an access has been taken through the frontage to reach land to the rear, the Inspector identified site specific considerations relating to character and appearance and living conditions which led him to allow the appeal. I found the site's context and that of Claughton Street to be materially different to the appeal site. For the reasons I have set out in full above I find that the proposal before me would result in unacceptable harm in respect of these matters and I have determined this case on its own merits in the light of current planning policies for the area.
14. Concerns were raised by interested persons about the potential increase in car parking in the road. Although I appreciate that there can be parking pressures where homes have limited parking spaces and noted that there is a builder's yard nearby, I saw no technical evidence to persuade me that this is a significant problem in the area. The provision of a minimum of 2 parking spaces per unit as shown complies with the maximum standards set out in Planning Policy Guidance Note 13 *Transport*. Despite concerns raised, the boundary treatment proposed at the site frontage would not extend so far towards the road that it would result in poor visibility for neighbouring occupiers at the site access. Furthermore no concerns were raised by the Council or Highways Authority in respect of parking or the access. I concur with their views.

15. No specific evidence was produced to indicate that the proposed development would affect drainage and I consider that this matter would be more appropriately controlled by other legislation. I have had regard to all other matters raised, but none are sufficient to outweigh my conclusions on the main issues.

Elaine Benson

INSPECTOR