



# Appeal Decision **Agenda item No. 7**

Site visit made on 27 January 2009

by **Richard H Duggan BSc(Hons) DipTP MRTPI**

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

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Decision date:  
19 February 2009

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## Appeal Ref: APP/R1845/A/08/2088971

### 46 Hanstone Road, Stourport-on-Severn, Worcestershire, DY13 OHA

- 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 County Properties (GB) Ltd against the decision of Wyre Forest District Council.
- The application, Ref 08/0816/FULL, dated 6 August 2008, was refused by notice dated 17 October 2008.
- The development proposed is the erection of a dwelling with associated access and parking.

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## Decision

1. I allow the appeal and grant planning permission for the erection of a dwelling with associated access and parking at 46 Hanstone Road, Stourport-on-Severn, DY13 OHA in accordance with the terms of the application, Ref 08/0816FULL, dated 6 August 2008, and the plans submitted therewith, subject to the conditions in the attached schedule.

## Procedural Matter

2. The development being addressed within this decision reflects the wording adopted by the Council on the decision notice, which is a more complete description of the proposal, rather than the description of the development put forward on the planning application forms.

## Main issue

3. The effect of the proposed development on the character and appearance of the street scene.

## Reasons

4. The appeal property is an end of terrace dwelling located within a primarily residential area close to local shops and other facilities and is well served by a local bus service. Hanstone Road is characterised by blocks of terraces containing four dwellings of the same age and architectural style on both sides of the road, each having gardens and car parking areas to the front and large gardens to the rear. During my visit I noted that some properties in the area have been extended with single and two-storey side extensions.
5. The property is a corner plot and therefore has a larger garden area than other properties found within the area. It is proposed to erect a two bedroom dwelling attached to the southern side elevation of No 46 Hanstone Road with car parking to the front and a garden to the rear. Due to the size of the plot I consider the development would not constitute an over-development of the site

and would not appear cramped as both the existing and proposed dwellings would continue to have sufficient areas of rear garden space to enable future occupiers to undertake a full range of garden activities, including sitting out and play.

6. I agree with the Council's view that infill developments should be responsive to the street scene and that gaps between blocks of terraces should be maintained in order to preserve the development patterns in the area. However, as the appeal property is located at the end of a terrace on a corner plot the development would constitute an extension to the terrace rather than result in a gap between a terrace being filled in. Therefore, I am satisfied that the current pattern of development along Hanstone Road would not be compromised and the established character and rhythm of the street would be maintained.
7. The design of the proposed dwelling also follows the guiding principles set out within the Council's Adopted Design Quality Supplementary Planning Guidance (SPG), in that the ridge height of the proposed dwelling would be set at a lower height than that of 46 Hanstone Road and the front elevation would be set back from the front elevation of the host property. In addition, the proposed dwelling would have a pitched roof at an angle that would reflect that of No 46.
8. Although the proposed dwelling would be narrower than No 46, I am satisfied that the above features would provide a clear distinction and visual break between the new dwelling and the terrace when viewed from the street, resulting in the development being seen as subordinate to the adjoining terrace of four dwellings. The use of matching construction materials, including fenestration, would contribute to the development being seen as a natural extension to the terrace rather than an incongruous new feature within the street scene.
9. I therefore consider that the proposed development would not have an adverse effect on the character and appearance of the street scene and would not conflict with Policies D.1 and D.3 of the Adopted Wyre Forest District Local Plan, Policies QE2 and QE3 of the West Midlands Regional Spatial Strategy nor the guidelines set out within the Council's SPG.

### **Other Matters**

10. I have had regard to the objections from local residents regarding the potential for overlooking from the proposed dwelling. In my opinion there would be no loss of privacy for neighbouring residents as the proposed dwelling would be located sufficient distance away from the habitable rooms of those neighbouring properties. The opportunities for overlooking of neighbouring gardens would also be limited as there are no windows to habitable rooms proposed within the south elevation, but to further safeguard against this I will impose a condition to prevent the installation of windows on this elevation.
11. With regard to the concerns put forward for the potential for on-street car parking, adequate space has been set aside at the front of the site to accommodate the car parking spaces required for the dwelling without the need for any on-street parking to take place. However, if on-street parking did occur

the estate road is of sufficient width to allow vehicles to pass safely without causing any highway safety problems.

### **Conditions**

12. A list of suggested conditions was included within the Council's Statement and I have considered these against the guidance in Circular 11/95 – *The Use of Conditions in Planning Permissions*.
13. In addition to the standard time limit condition, I shall impose conditions to address the materials to be used on the external surfaces of the property, the boundary treatment and landscaping to protect the appearance of the street scene. To protect highway safety I shall impose a condition requiring construction and retention of the car parking area. However, insufficient justification exists for the suggested conditions in respect of car parking for site operatives and visitors during the construction period; approval of proposed ground and floor levels; and withdrawal of permitted development rights for means of enclosure.
14. The Council has also suggested conditions to control permitted development rights in respect of future alterations and extensions. Circular 11/95 is clear that permitted development rights should only be controlled in exceptional circumstances. The condition put forward by the Council is too onerous and is not justified. However, I consider that future extensions to the rear elevation of the proposed dwelling could result in unacceptable harm on the living conditions of neighbouring residents through loss of light and outlook and I shall therefore impose a condition to address this. I will also impose a condition to prevent the installation of windows on the south elevation to prevent overlooking of neighbouring gardens.

### **Conclusions**

15. For the reasons given above and having regard to all matters raised, I conclude that the appeal should be allowed.

*Richard H Duggan*

INSPECTOR

### **Schedule of Conditions**

- 1) The development hereby permitted shall begin not later than three years from the date of this permission.
- 2) No development shall take place until samples of the materials to be used in the construction of the external surfaces of the building hereby permitted 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.

- 3) No development shall take place until details of all walls, fences and other means of enclosure have been submitted to and approved in writing by the local planning authority. The approved details shall be completed prior to the first occupation of the dwelling hereby approved.
- 4) No development shall take place until details of all hard and soft landscaping works shall be submitted to and approved in writing by the local planning authority. The hard landscaping works shall be carried out in accordance with the approved details and completed prior to the occupation of the dwelling hereby approved.
- 5) All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the first occupation of the dwelling hereby approved. Any trees or plants that, within a period of five years from the completion of the development, are removed or die or become obviously damaged or defective, shall be replaced with others of similar size and species by the end of the first available planting season, unless the local planning authority gives written approval to any variation.
- 6) The dwelling hereby permitted shall not be occupied until the access and parking facilities shown on the approved plans have been constructed, and shall thereafter be retained and kept available for those uses at all times.
- 7) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any revoking, re-enacting or modifying that Order), no extensions shall be erected on the rear of the dwelling hereby approved.
- 8) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any revoking, re-enacting or modifying that Order), no windows shall be inserted within the side (south) elevation of the dwelling hereby approved.