



# 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

The Planning Inspectorate  
15 St Andrew's Way  
Temple Quay House  
2 The Square  
Temple Quay  
Bristol BS1 6PN

☎ 0117 372 6372  
email: enquiries@pins.gsi.gov.uk

Decision date:  
19 February 2009

## Appeal Ref: APP/R1845/A/08/2089488

### 1 Baldwin Road, Bewdley, Worcestershire, DY12 2BP

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
- The appeal is made by Mr J Wilks against the decision of Wyre Forest District Council.
- The application, Ref 08/0367/OUTL, dated 5 April 2008, was refused by notice dated 2 June 2008.
- The development proposed is the erection of detached dwelling (resubmission of 08/0096/OUTL).

## Decision

1. I dismiss the appeal.

## Procedural Matter

2. The application was for outline planning permission with all matters apart from access and layout reserved for later determination. I have considered the proposal on this basis.

## Main issues

2. I consider the main issues to be first, the effect of the proposed development on the character and appearance of the street scene; and second, the effect of the development on the living conditions of residents living at No 1 Baldwin Road arising from loss of garden space, and those of occupants of the proposed dwelling in terms of resultant overlooking of private garden space.

## Reasons

3. The appeal proposal seeks to erect a new dwelling on land forming part of the side and rear garden of No 1 Baldwin Road, which is a semi-detached dwelling occupying a plot on the corner of Baldwin Road and The Lakes Road.
4. The established development layout pattern of the estate is regular and geometric in form with the majority of properties being terraced blocks containing four units situated parallel to the adjoining highway with a pair of semi-detached properties located at each end of Baldwin Road. The insertion of a single detached dwelling close to, but separated from, the adjacent semi-detached pair of No's 1-3 Baldwin Road would introduce a discordant and incongruous element within the street scene which would be harmful to its distinctive character and appearance. I have noted Policy D.1 of the Wyre Forest District Local Plan and the reference to maximising the use of corner plots, however, sub-clause i) of the same policy also requires that new development be designed and sited to complement and respect any adjacent development.

5. On the first issue, I conclude that the appeal proposal would not complement or respect the scale, layout and established rhythm of built development in this location. As such it would cause harm to the character and appearance of the street scene contrary to Policies D.1 and D.3 of the Wyre Forest District Local Plan, and counter to the provisos concerning potential windfall sites contained in Policy D.11 of the Worcestershire Structure Plan.
6. Although the garden of the appeal property appears to be larger than those generally found within the area, I consider that it would not be large enough to accommodate a detached dwelling as it would appear cramped and be an over-development of the site. Although the garden of No 1 Baldwin Road would measure approximately 18m in length it would only be about 6m at its widest point tapering down to a narrow point at its far end. This, in my view, would constitute an unacceptable loss of usable garden space for the occupiers of No 1 Baldwin Road to the detriment of their amenity. In addition, due to the orientation of No 1 Baldwin Road, the garden of the proposed dwelling would be overlooked by the windows on the rear elevation of the existing property leading to significant loss of privacy for the occupiers of the proposed dwelling. The appeal proposal would, therefore, conflict with Policy D.1 of the Local Plan.
7. I have noted that the proposed development is an amended scheme following a previous refusal by the Council, however, the current development continues to be unacceptable for the reasons I have outlined above.
8. The appellant refers to the need to maximise the use of urban land in line with national planning guidance, but I am of the opinion that the adverse effects of the appeal proposal on the character and appearance of the street scene, and on the living conditions of residents living at No 1 Baldwin Road arising from loss of garden space, and those at the proposed dwelling in terms of resultant overlooking of private garden space, outweigh this guidance.
9. For the reasons set out above, and having taken account of all matters raised, I conclude that the appeal should be dismissed.

*Richard H Duggan*

INSPECTOR