



# Appeal Decision

Agenda Item No. 7

Site visit made on 23 April 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:**  
**12 June 2009**

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## Appeal Ref: APP/R1845/A/09/2096316

### Land rear of 103 Bewdley Hill, Kidderminster DY11 6JE

- 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 Direct Design against the decision of Wyre Forest District Council.
- The application, Ref 08/0899/OUTL, dated 1 September 2008, was refused by notice dated 24 November 2008.
- The development proposed is erection of dwelling (access to be considered at this stage).

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### Decision

1. I allow the appeal and grant outline planning permission for the erection of a dwelling at land rear of 103 Bewdley Hill, Kidderminster DY11 6JE in accordance with the terms of the application, Ref 08/0899/OUTL, dated 1 September 2008, and the plans submitted therewith, subject to the conditions in the attached schedule.

### Procedural Matter

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

### Main issue

3. I consider that the main issue to be the effect of the development on the character and appearance of the locality.

### Reasons

4. It is proposed to erect a dwelling on a vacant piece of land located between the rear of 103 Bewdley Hill and the Coach House. Access to the site would be taken via an existing access from Bewdley Hill that runs alongside No 103 that currently serves the Coach House. The locality has a distinct and established pattern of development with mainly large detached dwellings fronting Bewdley Hill and rows of dwellings fronting on to the streets that run at right angles to the main road.
5. Although I acknowledge that the proposed dwelling would involve backland, or as the Council also describes it tandem development, the fact that the Coach House is already located to the rear of 103 Bewdley Hill and takes access from the main road, means that the established pattern of development in this locality has already been altered.

6. I consider that the nature and location of the existing residential properties surrounding the appeal site, together with the roadways and hard and soft landscaping that surround it, provide well defined boundaries which would contain the proposed development and ensure that it would integrate well with the existing settlement pattern. Having regard to the location of the site, I am of the view that it would be a logical infill development site between 103 Bewdley Hill and the Coach House that would physically and visually relate to the pattern of development in this location. The site is seen in the context of the buildings that surround it, namely the Coach House and 103 Bewdley Hill, and a dwelling located on this site would cause no harm to the character and appearance of the area. As such the appeal proposal would not be in conflict with Policy H.6 of the adopted Wyre Forest District Local Plan (LP), which among other things, states that backland developments should only be permitted where there would be no significant adverse impact on the character of the area. Nor would it conflict with the thrust of Policy D.3, which requires development to clearly relate to the appearance and character of the surrounding townscape so as to complement surrounding buildings and spaces.
7. I have also had regard to the impact on the amenity of the occupiers living within the adjacent dwellings caused by passing vehicles using the access. The residents of the Coach House already use this access, and it is my opinion that the resulting increase in the number of vehicular movements that would potentially use the access road would not be significant enough to cause any additional disturbance or harm to the residents of the neighbouring dwellings. In addition, the properties adjoining the appeal site are located close to Bewdley Hill, which is a very busy main road that already causes significant traffic noise levels within the area. In my opinion the level of noise that already exists in this locality far exceeds any potential noise and disturbance that would be caused by the very small number of vehicles entering and leaving the appeal site each day.
8. The appeal site is within close walking distance of all the shopping, commercial, leisure and employment opportunities found within Kidderminster. The appeal proposals would, therefore, accord with guidance set out within Planning Policy Statement 1 '*Delivering Sustainable Development*' (PPS1) and Planning Policy Statement 3 '*Housing*' (PPS3) which encourage housing developments to be located in suitable locations which offer a good range of community facilities, key services and infrastructure.
9. The site is also served by a good local bus service which connects it to Kidderminster town centre and beyond, and I noted that bus stops are located close to the appeal site on Bewdley Hill which would allow any future occupiers of the proposed dwelling the opportunity to utilise public transport to travel to work and for other essential trips. As such the proposal would accord with Planning Policy Guidance Note 13 '*Transport*' (PPG13) which aims to reduce the need to travel, particularly by car.

**Conditions**

10. 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*.

11. In addition to the standard time limit and reserved matters conditions, I shall impose conditions to protect highway safety and the retention of car parking to serve the new dwelling. To promote sustainable modes of transport I will impose a condition relating to cycle storage facilities. The Council has suggested conditions relating to the materials to be used on the external surfaces of the property, landscaping and boundary treatment. These issues will be dealt with and agreed by the local planning authority through the reserved matters and there is no need to impose those conditions at this stage.
12. The Council has also suggested a condition 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 unreasonably onerous and is not justified in this instance as the design, scale and appearance of the property can be controlled through the reserved matters.

### **Conclusions**

13. 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 either before the expiration of five years from the date of this permission, or before the expiration of two years from the date of approval of the last of the reserved matters to be approved, whichever is the later.
- 2) Details of the appearance, landscaping, layout, and scale, (hereinafter called "the reserved matters") shall be submitted to and approved in writing by the local planning authority before any development begins and the development shall be carried out as approved.
- 3) Application for approval of the reserved matters shall be made to the local planning authority not later than three years from the date of this permission.
- 4) The dwelling shall not be occupied until the access, parking and turning areas shown on the approved plans have been laid out, drained and surfaced in accordance with details submitted to and approved in writing by the local planning authority, and that area shall not thereafter be used for any purpose other than the parking of vehicles.
- 5) The dwelling shall not be occupied until details of secure storage for four cycles have been submitted to and approved by the local planning authority, and these facilities shall not thereafter be used for any purpose other than the storage of cycles.