



Appeal Decision

Site visit made on 12 March 2010

by P N Jarratt BA (Hons) DipTP MRTPI

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

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**Decision date:
22 March 2010**

Appeal Ref: APP/R1845/A/09/2117872

Land to the rear of 24 Sandbourne Drive, Bewdley, DY12 1BN

- 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 Mr A Rowles against the decision of Wyre Forest District Council.
- The application Ref 09/0273/FULL, dated 14 April 2009, was refused by notice dated 10 June 2009.
- The development proposed is the erection of one bungalow with parking.

Decision

1. I dismiss the appeal.

Preliminary Matters

2. The appellant has described the development as the change of use from car storage/retail to 1 bungalow with parking (dwelling). As operational development is proposed the Council's description more accurately describes the proposal and I have therefore amended the description above.

Main issues

3. The main issues in this appeal are the effects of the proposed development
 - i) on nearby listed structures and on the character and appearance of the area;
 - ii) on the living conditions of the occupants of the proposed dwelling; and,
 - iii) on the trees protected by a Tree Preservation Order (TPO).

Reasons

4. The appeal site is a small plot on the edge of Bewdley fronting an unmade road known as Sandbourne Lane. The plot contains a large garage and a courtyard parking area forming part of the rear of 24 Sandbourne Drive. Sandbourne House, which shares a boundary with the appeal site, is a recently constructed modern dwelling of a design and materials that contrasts with other houses in the area. Within the garden of Sandbourne House are two hornbeams that are protected by a Tree Preservation Order. A panel fence with a trellis separates Sandbourne House from the appeal property.
5. The statutorily listed structure of the Severn Valley Railway viaduct provides a visually significant backdrop to the area within which the appeal plot is situated. The character of the area is distinctive as a result of the viaduct and

- the variety of buildings and structures along Sandbourne Lane including the substantial brick estate walls alongside it. It has an identity that distinguishes it from that of the more suburban residential development of Sandbourne Drive.
6. The proposed development is a single-storey, hipped-roof, brick and tile bungalow of modest size positioned on the southern part of the plot. The design of the hipped roof would reflect that of a proposed first floor extension to 24 Sandbourne Drive which benefits from planning permission. The occupier of Sandbourne House refers to that permission relating to a site that includes the appeal site but the implementation of that permission is not before me. Furthermore, the Council has not raised concerns over the effect that the current appeal proposal would have on the implementation of that permission.
 7. The materials proposed for the bungalow would also reflect the predominant materials used in nearby development with the exception of Sandbourne House which is in white painted render and is in stark contrast to materials used elsewhere.
 8. Although other houses in the vicinity are 1½ to 2 storeys, the scale of the proposal would represent a stepping down of development that would relate well either to No. 24 as it appears at present and also to the design of the proposed extension of the house. It would not be incongruous or prominent in the street scene. It would also have a satisfactory treatment of details such as the dentil courses, lintels and the door canopy.
 9. The Council considers the proposed bungalow to be of inferior design and part-pastiche, but for the reasons set out above I consider that its design to be contextually appropriate. The bungalow itself would not have an adverse impact on the character and appearance of the area, nor would it adversely affect the setting of the listed railway viaduct, which because of its scale, is the dominate structure in the area contributing significantly to its character. However, the proposed reduction in the height of the distinctive boundary wall, which had already taken place at the time of my site inspection and the creation of a new vehicular access onto Sandbourne Lane, would adversely affect the street scene and the character and appearance of the lane.
 10. The Council has expressed concern that the development adversely affects several locally listed buildings it has failed to identify them.
 11. In respect of the first issue, I conclude that the proposed development accords with Policies LB.1 and LB.5 of the Wyre Forest District Local Plan insofar as it relates to the statutorily listed railway viaduct. However this does not outweigh the harm that would be caused to the character and appearance of the area through loss of sections of the wall along Sandbourne Lane. Accordingly, the proposed development conflicts with Policy D.3.
 12. Turning to the second issue, the layout of Sandbourne House is such that some of the habitable room windows face onto the appeal site. Additionally the level of the ground floor is raised and there is extensive external decking. There would be overlooking from a first floor bedroom and from other windows into the sitting room and a bedroom windows of the proposed bungalow. Although overlooking would be at an angle and the extent of overlooking would be reduced when the hornbeams are in leaf, I consider the potential loss of privacy to be significant, adversely affecting the living conditions of the

- occupants of the proposed development. Although an extensive bed of bamboo reduces overlooking from part of the decking of Sandbourne House, there would be potential overlooking of the proposed bungalow and amenity area from other parts of the decking as the boundary fence is of insufficient height to prevent this.
13. The small size of the garden and the relationship between the appeal proposal and Sandbourne House would result in there being no private amenity area for the occupants of the proposed bungalow. The effect of this and the overlooking of habitable room windows would adversely affect the living conditions of the occupants of the proposed dwelling and would therefore be contrary to Local Plan Policy D.1.
 14. In respect of the third issue, the tree report submitted by the appellant suggests that the protected hornbeams have a reasonable life expectancy and that the proposed development would not conflict with the interests of the trees. The footprint of the proposed bungalow is outside the root protection area. The proposed parking area is within the root protection area but as this uses a proportion of the floor slab to be retained following the demolition of the garage, the effect on the tree would be neutral.
 15. The canopy of the hornbeams would cover much of the amenity area of the proposed dwelling. However the trees are located to the north of the appeal site and would not affect any sunlight enjoyed by the dwelling. The extent of the canopy could, nevertheless, lead to pressure from future occupants for the pruning or canopy reduction of the trees. Had I been minded to approve the proposed development, I see no reason why a future modest scheme of pruning, if necessary, should not be acceptable so long as it maintained the amenity contribution of the trees.
 16. The occupant of Sandbourne House states that a pollarded alder tree is also covered by the TPO and its future health could be at risk as a result of the proposal. However the Council has not expressed concerns over the effect of the proposed development. I consider therefore that the proposed development satisfies the requirements of Policy D.4 of the Local Plan.
 17. Notwithstanding my conclusions on the design of the proposed dwelling, its effect on the setting of the listed viaduct and the potential impact on the protected trees, I consider that these do not outweigh the harm caused to the character and appearance of the area through the loss of part of the boundary wall and through the detrimental impact on the privacy of future occupants of the proposed dwelling.
 18. For the reasons given above and having had regard to all other relevant planning considerations including flooding and traffic issues, I conclude that the appeal should be dismissed.

P N Jarratt

Inspector