

Appeal made against the refusal of planning permission

Appeal reference	APP/P1805/A/11/2152255
Planning Application	10/0888-MT
Proposal	Erection of two new bungalows
Location	10 and 14 Cottage Lane, Marlbrook, Bromsgrove B60 1DW
Ward	Marlbrook
Decision	Refused by Planning Committee - 1st November 2010

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Discussion

The proposal was to erect of 2 new bungalows

The application was determined under delegated powers and refused for the following reason as detailed below:

1. The proposal would result in the overdevelopment of the site and an adverse impact on the amenity of the surrounding occupiers contrary to policies S7 and S8 of the Bromsgrove District Local Plan 2004 and the guidance contained in the Council's Residential Design Guide (SPG1).

The Inspector found the main issues to be:

1. The proposal's impact on the character and appearance of the area
2. Its effect on the living conditions of neighbours

The Proposal

The land the subject of this appeal lies in an established mature residential area. Although the built form in the vicinity generally comprises 2-storey dwellings, bungalows and blocks of maisonettes are also found. Moreover, there is significant variety in the design of properties as well as in their plot sizes and their relationship to the highway. As a result the surroundings do not display a strong rhythm or pattern in the type or arrangement of buildings. The appeal site mainly comprises about half of the large rear gardens of 10 and 14 Cottage

Lane. To the south and east are houses that front onto Firs Close, while to the north are the garages that serve the maisonette blocks beyond.

Details

The proposal would be introducing dwellings behind No 10 and No 14 and in principle the additional housing is acceptable.

The Inspector concluded the development would not constitute inappropriate infill, owing to the following reasons:

- To the north the layout of the maisonettes results in a second line of built form set back from Cottage Lane (albeit facing onto a smaller cul-de-sac), and in any event there is significant variety in the arrangement of buildings on the surrounding roads. Therefore, such a siting would not be at odds with the layout of housing in the area.
- As the proposed dwellings would each be only a storey in height they would not be dominant features and their intrusion into the sense of openness provided by the site would be limited.
- They would both have gardens in excess of 250sqm while No. 10 and over, 14 would retain gardens of over 300sqm. In such circumstances, whether considered in absolute terms or relative to the other plots around, the proposed bungalows would not appear to be a cramped over-development of the site, and the scheme would not conflict harmfully with any spacious quality currently experienced in the vicinity.

In terms of the landscape, one tree would be removed in the rear garden of No. 10, and there would also be a loss of planting along the line of the drive and at the site access. However, none of this is subject to protection and its contribution to the amenity of the area is not sufficient to offer a ground to resist the proposal, and it would not detract unacceptably from the character or appearance of the area.

Living conditions

When looking from inside the 2 neighbouring houses both plots would not appear dominant and have an unreasonable effect on living conditions that are currently enjoyed. The seating areas at the end of these gardens would not be overshadowed as Plot 2 would be broadly to the north, while the separation between the new gable and this boundary, together with the associated planting, would mean the bungalows would not have an unduly overbearing effect, ensuring that there are appropriate living conditions in the neighbouring properties.

Despite a drive running between No. 10 and No. 14 the number of vehicle movements associated with the development would not be sufficient to give rise to harmful noise or disturbance. There would be a certain level of disruption for surrounding residents during the construction period but this would be of a temporary nature and in itself does not offer a basis to resist the scheme. However, in a residential area of this type this would not be unacceptably harmful. Accordingly the Inspector concluded that the proposal would not unreasonably detract from the living conditions of neighbouring residents.

Other matters

The Inspector considers that on-site parking would be adequate for the new houses and for No. 10 and No. 14. The additional traffic associated with these 2 dwellings would not be sufficient to have a material or harmful effect on flows along Cottage Lane or at its junction with Old Birmingham Road.

While previous applications have been dismissed on the site, the Inspector had limited knowledge of the circumstances of the cases. They were also not tested at appeal. In the light of the submitted evidence it has not been shown that the effect of the scheme on drainage, wildlife or housing supply would be unacceptable. This decision does not prejudice any ownership issues that may exist.

In conclusion

The comments and the quantity made by local residents against the proposal were taken into consideration by both the Inspector and the Council. However, local opposition in itself is not a reasonable ground for resisting development. After the Inspector made an objective appraisal of the relevant issues, the matters raised in these representations it does not offer a basis to dismiss the appeal.

Therefore the Inspector allowed the appeal.

Costs application

No application for costs was made.

Appeal outcome

The appeal was **ALLOWED** (18th October 2011) subject to the following conditions:

1. In the interests of the appearance of the area details of materials and landscaping (including boundary treatments and the protection of retained planting) should be agreed.

2. No windows should be formed at roof level and the north-east facing lounge windows in Plot 1 should be fitted with obscured glazing.

Recommendation

The Committee is asked to RESOLVE that the item of information be noted.