

**Appeal made against the refusal of planning permission**

<b>Appeal reference</b>	APP/P1805/A/11/2166474
<b>Planning Application</b>	11/0606-SC
<b>Proposal</b>	Proposed detached dwelling
<b>Location</b>	106 Hanbury Road, Stoke Prior, Bromsgrove, B60 4JX
<b>Ward</b>	Stoke Prior
<b>Decision</b>	Refused (Delegated decision) - 7th September 2011

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**Proposal**

The proposal is for a 4 bedroom detached dwelling (with integral garage) within the rear garden of the existing dwelling at 106 Hanbury Road, Stoke Prior, Bromsgrove, B60 4JX.

**Discussion**

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

- R1 The proposed development would result in a cramped, contrived and overdeveloped layout that is harmful to the established character, appearance and amenities of the locality contrary to policies DS13, S7, and S8 of the Bromsgrove District Local Plan 2004, policy CTC.1 of the Worcestershire County Structure Plan 2001, Supplementary Planning Guidance Note 1: Residential Design Guide and the principles of good design advocated in Planning Policy Statements 1 and 3.

The Inspector found the main issues to be the effect of the proposal on:

- (i) the character and appearance of Foley Gardens; and
- (ii) living conditions at neighbouring properties, with particular reference to the effect on privacy.

**Main Issues****Character and appearance**

The proposed 2 storey detached house would sit to the rear of 106 Hanbury Road, fronting Foley Gardens, an informally laid out residential street. New dwellings have already been built within the rear domestic curtilages of the dwellings to the north of Hanbury Road. Whilst there is a well defined and established building line to the western side of the street, consisting of two-storey semi-detached dwellings, there is no

defined building line of housing to the eastern side of the street, just a disparate pattern of flat roofed garages serving the properties of Hanbury Road.

The existing backland dwellings to the north of Hanbury Road are situated on relatively wide plots and are lower in height than that proposed. In contrast, the more restricted width of the appeal site, coupled with the need to provide a side pathway to No 106, results in the proposed 4 bedroom house being much taller, with its bulk accentuated by its narrow frontage, deep plan form. The Inspector considers this would contrast sharply with nearby development on this side of Foley Gardens, standing out as an isolated, atypical and visually dominant feature. In addition to these concerns, the proposed provision of 5 car parking spaces in a cramped frontage, with little space left over for landscaping to the front or side of the house, would create a strong impression of overdevelopment. It is therefore concluded on this point that the proposal would harm the character and appearance of Foley Gardens.

### **Living Conditions**

The proposed house would have 2 first floor bedroom windows at the back, giving views at very close range into the long rear gardens of the 2 adjoining properties, Nos. 104 and 110, and towards the backs of those houses. Clear views would be provided towards a conservatory at the back of No. 104. The Inspector found on his site visit that the degree of overlooking of the garden and conservatory at No. 104 and of the garden at No. 110 would be sufficiently intrusive to cause a serious loss of privacy to occupiers of those houses. The Inspector considered it would not be appropriate to attempt to remedy this by requiring the new windows to be obscure glazed, as they would be the only windows serving habitable rooms.

The Inspector found that overshadowing would be limited to the lower sections of the gardens of Nos. 104 and 110 and that there would be no significant harm to living conditions at properties on the other side of Foley Gardens. It is therefore concluded on this point that the main concern would be the unacceptable loss of privacy at Nos. 104 and 110.

### **Other Matters**

Although residential garden land is now excluded from the definition of previously developed land in Planning Policy Statement 3 *Housing*, Local Plan policies S7 and S8 continue to allow for such development in principle. The Council accepts that, due to the predominance of Green Belt land within its area, there is inherently a shortage of land suitable for new development. The Inspector therefore finds no objection in principle to residential development of this site.

### **In conclusion**

For the reasons set out above, the Inspector dismissed the appeal.

### **Costs application**

No application for costs was made.

### **Appeal outcome**

The appeal was **DISMISSED** (2nd March 2012).

### **Recommendation**

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