



## Appeal Decision

Sarah

Unaccompanied Site Visit made on 11 August 2003

by D O Sweeting FRPI

an Inspector appointed by the First Secretary of State

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Date **26 AUG 2003**

**Appeal Ref.: APP/P1805/A/03/1117127**

**Land adjacent to 73 Meadowcroft, Hagley, DY9 0LJ**

- 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 Whiteline Developments Midlands against the decision of Bromsgrove District Council.
- The application (Ref. B2002/1372), dated 28 November 2002, was refused by notice dated 20 January 2003.
- The development proposed is described as 'Erection of 2-bedroom detached bungalow'.

**Summary of Decision: The appeal is dismissed.**

### Procedural Matter

1. The submission is in outline, but with approval sought at this stage of the siting and means of access to the proposed bungalow. The appeal is decided on this basis.

### Main Issues

2. The main issues in this appeal are:
  - (a) whether the proposed bungalow would be materially harmful to the character and appearance of the locality, having regard to local and national planning policy frameworks;
  - (b) the likely effect of the proposal on the living conditions of neighbouring properties with particular reference to privacy.

### Planning Policy Framework

3. The development plan context is the Worcester County Structure Plan, Policies D1, D2, D3, D4 and D5 of which address strategic housing requirements, and the role of local plans in identifying the phasing of the release of land. Under Policy D11, the requirements are also to be met by way of windfall developments, subject to the maintenance of the character of its surroundings.
4. The emerging Bromsgrove District Local Plan is at a very advanced stage leading to its formal approval. Accordingly, the policies referred to (as intended to be modified) are significant material considerations in this appeal. Policy DS4 confirms that development proposals in Hagley shall, in accordance with Policy DS13, be sustainable and safeguard and improve the quality of life of residents by protecting the setting and form of settlements, and land of recreational and amenity value. Criteria of Policy S7 reinforce these objectives, whilst Policy TR11 requires that the development incorporates a safe means of access and egress, and includes off-street parking.

5. Since the Council's Residential Design Guide is in draft, of relevance to its substance is the national advice in Planning Policy Guidance 1 (PPG1). Planning Policy Guidance 3 (PPG3) looks to the efficient use of urban land, but without compromising the quality of the environment.

#### Inspector's Reasoning

##### *Issue (a) – Character and Appearance*

6. Planning permission for Meadowcroft was granted on 18 July 1994 (App. No. 94/0117). The plan attached to the permission produced by the Council shows the appeal site as public open space. The site lies between garages attached to 73 Meadowcroft and, at a lower level, 49 Meadowcroft. Although the public open space is shown as pedestrian link between 31 – 37 Meadowcroft and 67 - 73 Meadowcroft/1 – 4 Crosskeys Mews, because fencing seems to preclude through access.
7. Meadowcroft is a substantial residential estate that around the appeal site consists of 2-storey houses, with many having attached single storey garages. The mature landscape and sky components seen above the garages make important visual contributions to the estate's pleasant setting. Equally important to the built form's civic attributes are the mainly open front gardens and incidental 'green' areas adjacent to the estate's streets and that, for example, between Worcester Road (A458) and 66 Meadowcroft.
8. Having regard to the layout and scale of nearby development, including the terrace known as Crosskeys Mews, I relate to the contention that a bungalow of modest proportions would not amount to an over development within its plot. However, despite the mature trees on and the fencing to the appeal site, it functions as an amenity space and provides contributory vistas without which the compatible relationships between this part of the estate's form and setting would be noticeably and unacceptably eroded. The proposal, despite its relatively modest scale, would irrevocably detract from the reality of the appeal site's undeveloped relevance envisaged in the estate's original design concepts. Also, in that the immediate surroundings are of 2-storey houses, the bungalow would appear somewhat incongruous as to add to the proposal's adverse aesthetic impact.
9. In respect of issue (a), therefore, the proposal would be materially harmful to the established character and appearance of the locality, and thereby would conflict with Structure Plan Policy D3, emerging Local Plan Policies DS13 and S7, and PPG3.

##### *Issue (b) – Residential Amenity*

10. In respect of privacy, regard needs to be had to the varying ground levels; the upper side windows to No. 49 are obscure glazed; and boundary enclosures to the appeal site. These factors are, and would be, such that the privacy of Nos. 49, 51 and 73 (including their respective rear gardens) would not be unacceptably affected. However, although the proposed bungalow would be set at an angle to Crosskeys Mews, scaled distances of less than 21 m between it and the Mews suggest that should the bungalow's front elevation contain primary windows, potentially the privacy of some of the Mews dwellings could be unsatisfactorily diminished. Should this prove to be the case, this would lend support to the harm identified under issue (a).



**Conclusions**

11. As to the concerns of interested parties regarding the suitability of the private access to the site, the Highway Authority considered it could not sustain an objection, while any obstruction of the access and parking spaces would be for resolution between the respective parties.
12. Notwithstanding my favourable comments regarding over development and privacy (in part), the Highway Authority's position, and having regard to all other matters raised, I find nothing of sufficient substance to change my conclusion, for the reasoning given above, as to the proposal's material harm and resultant conflict with the development plan, the emerging local plan and PPG3 whereby the appeal should be dismissed.

**Formal Decision**

13. In exercise of the powers transferred to me, I dismiss the appeal.

**Information**

14. A separate note is attached setting out the circumstances in which the validity of this decision may be challenged by making an application to the High Court.



D O Sweeting FRTPI