

**PLANNING DECISION NOTICE**

Mr A Aston and Mr J Flynn  
C/O Mr Brian Plant  
bpdesign  
1 Camel Cottages  
Holy Cross Green  
Clent  
Stourbridge  
DY9 0HG



**Bromsgrove  
District Council**  
[www.bromsgrove.gov.uk](http://www.bromsgrove.gov.uk)

**Refusal of Planning Permission**

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**APPLICATION REFERENCE:** 13/0837  
**LOCATION:** Land Adjacent 73, Meadow Croft, Hagley  
**PROPOSAL:** Erection of a 3-bed detached house with parking  
**DECISION DATE:** 10<sup>th</sup> February 2014

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Bromsgrove District Council as the Local Planning Authority refuses planning permission in accordance with the Town and Country Planning Act 1990 and the Town and Country Planning (Development Management Procedure) Order 2010 for the proposal described above. This is for the following reason/s:

The proposed two storey dwelling, by virtue of its siting, form and layout would represent an incongruous and cramped form of development, failing to harmonise with the existing character and appearance of the area. The proposals would fail to respond to local distinctiveness, and would have a harmful, adverse impact upon the visual amenities of the area and would therefore be contrary to the advice of the National Planning Policy Framework (March 2012), the provisions of Policy S7 of the Bromsgrove District Local Plan (Adopted January 2004) and the guidance of Supplementary Planning Guidance Note 1 - Residential Design Guide (Adopted January 2004).

The proposed development would result in detriment to and loss of residential amenity to occupiers of nearby properties by reason of an overbearing impact and loss of privacy. The proposal would therefore be contrary to the advice of the National Planning Policy Framework (March 2012), the provisions of Policy S7 of the Bromsgrove District Local Plan (Adopted January 2004) and the guidance of Supplementary Planning Guidance Note 1 - Residential Design Guide (Adopted January 2004).



Ruth Barnford  
Head of Planning and Regeneration

### **How this decision was reached**

This proposal has been assessed against the following documents:

#### **Bromsgrove District Local Plan 2004**

DS4 – Other Locations For growth  
DS13 – Sustainable Development  
S7 – New Dwellings outside the Green Belt  
TR11 – Access and Off Site Street Parking

#### **Others**

National Planning Policy Framework  
SPG – Note 1 – Residential Design Guide

### **Assessment of the proposal**

The main consideration of this development is whether the development is appropriate as per the guidance and policy terms and the impact and effects of the development in relation to the neighbouring properties and the surrounding area.

It has to be noted that as part of the planning permission B/1994/0117 for residential development on this part of Meadow Croft, this parcel of land was originally set aside for public open space. So therefore, this proposal would sit on a parcel of land which currently is an open grassed area with some conifers growing on, and therefore it contributes highly to the harmony and character of the area. Such a proposal would therefore be harmful and be of detriment to the open feel of this part of the cul-de-sac.

It is to be noted that this proposal sits within a residential area and this proposal is for residential development therefore it is considered to be appropriate and respects the requirements of Policy DS13 of the District's local plan in terms of sustainable development.

### **Affect on Neighbouring Properties**

Consideration has to be given to the effect of the proposal on the adjoining properties. No 49 Meadow Croft sits at least 1.5 metres lower than the varying ground levels of the application site and has a side and rear single storey extension which lies almost on the boundary with the application site. This development, in terms of the scale and massing would have an overbearing impact on the adjoining property and would therefore be

contrary to the requirements in Policy S7 which guides us to give regard to adverse affect on the existing amenities of adjoining occupiers.

The privacy of the row of Crosskeys Mews on the eastern side of the proposal would be unsatisfactorily diminished due to the fact that the distance between the proposed windows to the front elevation of the proposal and the existing cottages would be less than 21 metres, in fact the shortest distance would be approximately 16 metres. This conflicts with the guidance in the Supplementary Planning Guidance – Residential Design Guide (Privacy) and policy S7 of the Bromsgrove Local District Plan.

#### Loss of Open Space

The site in question, whilst it is located at the end of the cul-de-sac, provides an open area which helps to soften the edge of that part of the street and contributes to the amenities enjoyed by the current residents of the area. This is a desirable open area the loss of which would be harmful to the residential and physical amenities of the area.

#### Trees and Landscape

Whilst there will be a loss of 5 conifer trees, the tree officer has raised no objections. Conifer trees are fast growing and a common species and do not hold much merit in terms of value.

#### Highways

The Highways Officer has raised no objections. He feels the scheme is complying with the requirements of parking. He requests a contribution of £2935.04 to mitigate for the additional demands on the wider transport network that the development will generate.

#### Conclusion

Having given regard to the Policies and guidance this scheme is unacceptable as such a development would appear overdevelopment in terms of its form and layout and be detrimental to the established character of the area. It would also have a detrimental effect on the residential amenity and privacy of the Crossways Mews and have an overbearing effect on the residential amenity of 49 Meadow Croft.

For your information

#### Appealing the decision

If you feel aggrieved by the decision of Bromsgrove District Council to refuse permission you can appeal to the Secretary of State through the Planning Inspectorate. This appeal should be made by 9th August 2014 unless supported by special circumstances. The appropriate form and further information on how to appeal can be found online at [www.planningportal.gov.uk/pes](http://www.planningportal.gov.uk/pes) or by contacting the Planning Inspectorate Customer Services Team on 0303 444 5000.

If an enforcement notice is served relating to the same or substantially the same land and development as in your application and if you want to appeal against the decision of your local planning authority, the you must do so within: 28 days from when the enforcement notice is served, or within 6 months of the date of this decision, whichever expires earlier.

### **Purchase notices**

If Bromsgrove District Council or the Secretary of State has refused planning permission or granted it conditionally, the landowner may claim that the land is incapable of reasonable beneficial use, and for this reason may serve the District Council a purchase notice requiring them to purchase the land. In certain circumstances, a claim may be made against Bromsgrove District Council for compensation. Further information about purchase notices can be found at: <http://www.legislation.gov.uk/ukpga/1990/8/part/VI>