

Name of Applicant	Proposal	Expiry Date	Plan Ref.
Mr Richard De Sousa	Removal of workshop and erection of bungalow 452 Birmingham Road, Catshill, Worcestershire, B61 0HR,	04.08.2015	15/0598

RECOMMENDATION: That planning permission be Refused

Consultations

Worcester Regulatory Services- Contaminated Land Consulted 25.08.2015.
No objection subject to conditions.

Highways Department- Worcestershire County Council Consulted 20.07.2015.
No objection subject to conditions.

Landscape & Tree Officer Consulted 20.07.2015.
No Comments Received To Date

Lickey and Blackwell Parish Council Consulted 20.07.2015.
No Comments Received To Date.

Drainage Engineers Internal Planning Consultation Consulted 20.07.2015
No objection subject to conditions.

Relevant Policies

Bromsgrove District Local Plan 2004 (BDLP):
S7 New Dwellings Outside the Green Belt

Others:

NPPF National Planning Policy Framework
NPPG National Planning Practice Guidance
SPG1 Residential Design Guide

Relevant Planning History

12/0331	Removal of workshop and erection of 2 dwellings.	Refused	19.06.2012
12/0575	Removal of workshop and erection of dwelling and detached garage Dismissed at Appeal 19.03.2013.	Refused	17.08.2012

Public Comments

The representations in support of the application cite matters of housing land supply and use of previously developed land. The representations in objection cite matters of loss of the character of the area and loss of privacy/residential amenity.

Assessment of Proposal

The proposal relates to the provision of a single dwelling to the rear of 452 Birmingham Road, Marlbrook. The house would be designed and developed according to the principles of Passivhaus as outlined in the Design and Access Statement.

The planning issues in relation to this application are quite finely balanced and it is important for Members to evaluate all of the considerations, positive and negative.

Form, Layout Character

There is a clearly defined linear pattern of development along Birmingham Road and Hazelton Road and the proposed dwelling would not follow this established pattern. Thereby it conflicts with Policy S7 of the Bromsgrove District Local Plan which requires development to be appropriate to the area.

Members should note the planning history of the site as set out above and the representations received in relation to the proposal. The most relevant recent application is Ref: B/2012/0575 which was refused by the Council and dismissed at appeal (Appendix 1). The application related to the removal of the workshop and the erection of a detached dwelling and garage. The Inspector concluded that the proposal would not unacceptably harm the living conditions of neighbouring occupiers but that it would degrade the character and appearance of the surrounding area. Members should note that the footprint of the current proposal is smaller than that of the appeal proposal with a rear garden and parking spaces to the front instead of a garage. However, the current proposal is located in a position which has been found objectionable in the appeal. The scale of the proposal is reduced compared to the previous application and, given visibility from the streetscene, it is not considered that a bungalow would be out of keeping with the area in terms of form. However, in terms of layout, a dwelling in a backland position conflicts with Policy S7 of the BDLP and this position remains unchanged from the appeal proposal.

Members should note the Design and Access Statement accompanying the application which sets out the design principles and some relevant history. The site was used as coal merchants yard in the 1930's and latterly as a recovery yard for vehicles. There is no specific planning history for the latter use. However, it is common ground between the Council, the Planning Inspector in the previous appeal and the Applicant that the site is classified as previously developed land. The buildings and immediate curtilage comply with the definition of previously developed land as set out in Annex 2 of the NPPF. Therefore, it is not considered that the proposal amounts to the development of an undeveloped back garden. Whilst the previous use of the land for vehicle recovery has ceased, it is not considered that that use is abandoned in planning terms and this point needs to be taken into account in the evaluation of the application. It is also noted that the applicants have addressed some of the issues of the previous application and appeal by reducing the scale and footprint of the dwelling.

Residential Amenity

In terms of residential amenity, the advice of SPG1 is noted. The front of the proposed dwelling would be located 17m from the rear elevation of the existing property (No. 452) and the separation distance to other adjoining properties is greater than this. In terms of a single storey dwelling, this separation distance is adequate. The representations received from Nos. 1 and 3 Hazleton Road are noted and the proposed rear garden of the development would be located approximately 15m from the rear elevation of No. 1. There is a single window serving a bathroom on this elevation but given the proposal is for a bungalow, it is not considered that there would be any loss of amenity to these properties which could justify withholding consent. The points in the representations in relation to character and layout are noted and the issues have been addressed in the paragraph above.

Other matters

In terms of highways, access and drainage, no objections have been raised by the relevant consultees. The proposed dwelling would have sufficient private amenity space and sufficient private amenity space remains at the existing property (No. 452).

Conclusion

The determination of this application requires a thorough evaluation of the arguments in favour and against the proposal and the report before you seeks to provide a fair and unbiased appraisal of the application. In terms of positives, the proposal would make beneficial use of previously developed land and does not result in any harm to the residential amenity of neighbouring occupiers. In terms of negatives, the proposal does result in a dwelling behind an existing dwelling in an otherwise linear run of development on Birmingham Road. The principle of siting a dwelling in this location has been considered in the appeal in relation to the previous application (B/2012/0575). Whilst this proposal amounts to a smaller dwelling, the principle of having a dwelling in this position has been considered and dismissed by the Secretary of State. This matter is accorded significant weight and accordingly the application is recommended for refusal.

RECOMMENDATION: That planning permission be Refused:

The proposed development would result in a dwelling located in a position which conflicts with the established character and layout of the area. Thereby, the proposal is contrary to Policy S7 of the Bromsgrove District Local Plan 2004 and the advice of Supplementary Planning Guidance Note 1 (Residential Design Guide) and the NPPF.

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