



Appeal Decision

Site visit made on 19 April 2022

by R Hitchcock BSc(Hons) DipCD MRTPI

an Inspector appointed by the Secretary of State

Decision date: 25 April 2022

Appeal Ref: APP/C3430/W/21/3286913

434 Walsall Road, Great Wyrley, Walsall WS6 6HX

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Yamas Consultancy Services Ltd. against the decision of South Staffordshire District Council.
 - The application Ref 21/00483/FUL, dated 30 April 2021, was refused by notice dated 22 July 2021.
 - The development proposed is the erection of 2no detached dwellings.
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Decision

1. The appeal is dismissed.

Main Issue

2. The main issue is the effect of the proposed development on the character and appearance of the locality.

Reasons

3. The site consists of a semi-detached 2-storey dwelling and its associated gardens and forecourt at 434 Walsall Road, a corner plot at the junction with Jones Lane. No434 sits at the end of a row of semi-detached houses set behind open frontages facing on to Walsall Road (A34). The plots benefit from deep rear gardens which form the eastern fringe of the settlement area. The depth of the gardens and limited scale of buildings within them provide a transitional area between the higher built form of the townscape buildings and a rural landscape of fields enclosed by hedges and tree lines beyond.
4. The proposal would subdivide the existing plot to retain a smaller side and rear garden area for No434. Two additional parking spaces to the rear would augment a parking space on the frontage of the existing house and facilitate the introduction of greenery to the front corner of the site. The rear parking spaces would share a courtyard turning area with the proposed units and be accessed from Jones Lane. The new dwellings would be positioned side-by-side on the opposite side of the access facing onto the shared area. The 2-storey buildings would be set behind parking spaces and have enclosed private garden areas to the rear.
5. The scheme would introduce a form of tandem development which is not a characteristic feature of development in locality. Although the proposals would not interfere with the visual break in the largely consistent line of development on the eastern side of the A34 - afforded by a memorial garden and the landscaped frontage of Saxon Close, it would fail to reflect the characteristic linear arrangement of road-fronting development on this part of the road.

6. The set back position of the houses would contribute little to Walsall Road. Whilst frontage parking would be provided in the plots to mimic the situation along the main road, this is not a positive element of the local development which has resulted in a dearth of frontage landscaping.
7. The arrangement would result in the northernmost building siding on to Jones Lane and require the retention of much of the high fencing to provide privacy to the amenity spaces. That dwelling would present a substantially blank gable almost immediately behind the narrow roadside verge. Notwithstanding that the new buildings would be set on the lower part of the site and would be similar in scale to the buildings on Walsall Road, the close positioning to the frontage of the rural lane would unduly impose on its more open character.
8. The side-on arrangement would turn away from the frontage adding little to its visual quality. It would not result in a positive contribution to that streetscene as the main aspect from where the development would be seen. Furthermore, it would offer little enhancement to the setting of the nearby memorial gardens. Although the buildings would be set within the largely consistent treed line of the settlement boundary, the scale and positioning would relate poorly to Walsall Road, Jones Lane and the predominant characteristic of road-fronting development which positively contributes and plays an active role in the relevant street frontages of the settlement area.
9. Moreover, notwithstanding the larger size of the existing garden compared to other dwellings in the row of development, the proposed plots, including that associated with No434, would be significantly below the characteristic size on this part of Walsall Road. Although the garden sizes would meet the Council's guideline minimum size, the typical extent of land attributed to each dwelling would not be representative of the local plot ratios. This would further contrast with the characteristic layout of development in the row.
10. In support of the proposals the appellant refers me to cul-de-sac developments off Walsall Road, including Saxon Close, which extend the settlement boundary eastwards behind houses fronting the main A34 carriageway. At my site visit, I saw that these enclaved developments were comprehensively laid-out with bungalows and dwellings addressing estate roads. Where development on Saxon Close sides on to the main road, this is set behind a landscaped area which contributes positively to the A34 frontage. I also saw examples of backland development within the local settlement area. However, these were generally surrounded on all sides by other developed sites. Accordingly, those examples of cul-de-sac and backland development are distinct from the proposal before me, a scheme I have considered on its own merits.
11. I acknowledge that the proposal would introduce landscaping to a prominent corner site to improve the appearance of the junction area. However, this would be a minor benefit in favour of the development and would not outweigh the significant harm identified.
12. For the above reasons, I find that the proposals would result in a layout and appearance of development that contrasts with the characteristic pattern of development in the locality. It would conflict with Policies EQ4 and EQ11 of the South Staffordshire Core Strategy Development Plan Document [2012] as they seek development to account for local character and distinctiveness, contribute positively to the streetscene and relate to local plot patterns and street layouts.

Of the policies referred to me these are the most relevant. It would also conflict with the National Planning Policy Framework as it seeks similar aims.

Other Matters

13. I note the concerns of the Parish Council in relation to highway safety. Visibility at the access is currently impeded by close board timber fencing, however, this could be improved in both directions by providing sightlines within the plot and over highway land. This is a matter which could be secured through planning condition. The development would have little effect on highway safety and capacity elsewhere.
14. The proposal would add to the housing stock in the area and could be built to a high standard using materials common to the locality. The occupation of the site could also improve security on and about it. However, as a limited scale of development, I find the benefits therein would also be limited and would not outweigh the identified effects of the proposal on the character and appearance of the locality.
15. The removal of an existing fence along the external boundary of the site is not dependent on the specific details of the proposed development. This, and the 'unkempt' appearance of the land within the appellant's control are not strong arguments in favour of the proposed development. As a requirement of the development plan, the delivery of the development without risk to nearby trees with amenity value is not a benefit of the scheme.
16. According to the Council, the site is located within the zone of influence of the Cannock Chase Special Protection Area where ordinarily a competent authority such as myself would potentially need to carry out an Appropriate Assessment. I also note that the appellant has submitted a partial legal agreement seeking to address matters of mitigation in this respect. However, as I have found against the Appellant on the main issue, and therefore planning permission is to be refused, this matter need not be considered any further in this case.

Conclusion

17. The proposal would harm the character and appearance of the area and would conflict with the development plan taken as a whole. There are no material considerations that indicate the decision should be made other than in accordance with the development plan. Therefore, for the reasons given, I conclude that the appeal should not be allowed.

R Hitchcock

INSPECTOR