

Appeal Decision

Site visit made on 29 August 2023

by N Bromley BA Hons DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 15th November 2023

Appeal Ref: APP/C3430/W/23/3317022

7 Blakeley Heath Drive, Wombourne, Staffordshire WV5 0HW

- 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 Mr Stuart McIntyre against the decision of South Staffordshire Council.
 - The application Ref 22/00662/FUL, dated 1 July 2022, was refused by notice dated 26 August 2022.
 - The development proposed is 1 no. 2 bed detached bungalow.
-

Decision

1. The appeal is dismissed.

Preliminary Matters

2. In September 2023, the Government published a revised National Planning Policy Framework (the Framework). Those parts of the Framework most relevant to this appeal have not been amended. As a result, there is no requirement for me to seek further submissions on the revised Framework, and I am satisfied that no party's interests have been prejudiced by my taking this approach.

Main Issues

3. The main issues are:
 - i. the effect of the proposed development on the character and appearance of the area; and
 - ii. whether the living conditions of future occupiers would be acceptable, with particular regard to the provision of internal living space.

Reasons

Character and Appearance

4. The appeal site comprises an existing semi-detached bungalow set within a spacious plot, at the end of Blakeley Heath Drive, a residential cul-de-sac. The surrounding area includes a mix of housing types, but Blakeley Heath Drive has a uniform street scene comprised of prevalent semi-detached bungalows, with a similar scale, appearance, and plot size. The two pairs of bungalows at the head of the cul-de-sac have a consistent front building line and the two end bungalows have a generous and comparable plot size, which also adds conformity and symmetry to the uniform pattern of development within the street scene.

5. The proposed development would consist of a modest detached bungalow, located to the side of the existing property, within its private garden area. It would have its own enclosed rear garden and an off-street parking area to the side, which would be accessed off a shared driveway that would pass the front elevation of No 7. No 7 would have a newly created off-street parking area to the side and a rear garden area. A shared turning zone is also proposed to the front of the proposed bungalow.
6. The proposed bungalow has been designed to replicate the appearance of the existing bungalow and those within the street scene. It would have a similar ridge height and would have comparable facing materials and fenestration. However, it would be a detached building and follow a different building line to the existing semi-detached bungalows at the head of the cul-de-sac. It would therefore not be in keeping with the existing pattern of development within the established street scene.
7. Furthermore, the position and relationship of the proposed bungalow, immediately adjacent to the existing bungalow, and its juxtaposition with No 6 Blakeley Heath Drive, which has been extended to the side closest to the shared boundary with the appeal site, would result in a large amount of built form in close proximity to one another, in this part of the street scene. Therefore, notwithstanding that the plot ratios of neighbouring properties in the street scene may be comparable to the appeal proposal, the appeal site currently benefits from a large spacious plot by virtue of its corner plot position and rear garden size, whereas the proposed development would create a cramped appearance.
8. I acknowledge that the location of the proposed development, at the end of the cul-de-sac and to the side of the existing dwelling and No 6, results in views of the site being obscured from other vantage points within the wider streetscene. However, the proposed development would be seen from the head of the cul-de-sac from where the above effects would be evident.
9. The appellant has identified two previous schemes that have recently been approved nearby, which they believe to be comparable examples to the appeal proposal. The context of that relating to 8 Hawkswell Avenue is however different in terms of the location, the detached nature of the host dwelling and the juxtaposition between it and the new dwelling. Also, the scheme at 65 Sytch Lane is for an extension to a dwelling, as opposed to a new building. Therefore, the two schemes are not clearly comparable to the appeal proposal. Accordingly, as I am required to do, I have determined the case before me on its own merits.
10. I acknowledge that there is an extant planning permission, 21/01311/FUL, for a residential annexe, proposed in a similar position and with a similar design and scale to the bungalow now proposed. However, I have determined the appeal on its own merits based on all of the evidence before me. Nevertheless, this claimed fall-back position will be considered further in my planning balance.
11. For the collective reasons outlined above, the proposed development would be harmful to the character and appearance of the area. Therefore, the proposed development would not accord with the design aims of Policy EQ11 of the South Staffordshire Council's Core Strategy (adopted 2012), which amongst

other things, require development to respect local character and distinctiveness, and contribute positively to the street scene.

Living conditions

12. The proposed development is for a modest 2-bed detached bungalow. The proposed internal floor area would provide two bedrooms, a hallway, bathroom, and an open plan kitchen/ living area.
13. The Council have referred to the Technical Housing Standards - Nationally Described Space Standards (NDSS) and Appendix 6 of the CS. In particular, appendix 6 of the CS details that the overall minimum floor space for a two-bedroom, three persons dwelling should be 66m², with the NDSS stating that such a dwelling should have a minimum area of 61m². The Council also raise concerns with the size of bedroom 1 being below the standard of 11.5m², as set out in the NDSS.
14. The Framework advises that planning decisions should create places with a high standard of amenity for existing and future users. The internal space provided by the proposal is an important factor in whether it would achieve this.
15. There is dispute between the main parties about the size of the internal floor area of the proposed dwelling. The Council advises that the internal floor area is approximately 50m² and the appellant sets out that the floor area would be 59m². Based on the submitted plans, the latter appears to be the external footprint of the building, rather than the internal floor space. Nonetheless, the proposed internal floor area would still fall below 61m² and a bedroom with a floor area of 11.5m² would not be provided.
16. I note that the appellant sets out that the scheme could be 'tweaked' to improve the amount of internal living space. However, any such alternative scheme is not the subject of this appeal. The appellant also indicates that the appeal proposal is identical to and the same size as the development at 8 Hawkswell Avenue. However, I note that bay window floorspace to bedroom 1 is included for that scheme, unlike the appeal scheme and I do not have details of the circumstances whereby the Council considered that scheme's whole floorspace to be acceptable against the standards for what was a two bedroom unit. Furthermore, I have determined the case before me on its own merits.
17. On this basis, the proposed dwelling would provide an unsatisfactory standard of living conditions for its intended occupiers as a single dwelling, by reason of inadequate living space. It would therefore not accord with the Framework in respect of this issue.

Planning Balance

18. The appellant has set out that the scheme has evolved following the previous planning permission for a residential annexe, which they consider represents a fallback position.
19. The appellant has also set out that funding for the fallback position would be very difficult to secure against such a project and an independent dwelling would overcome the funding obstacle. On this basis there is some reasonable doubt that the fallback position would be implemented. Furthermore, due to the similarities between the two schemes in design terms, even if there were to

remain the potential for that previous scheme to be implemented, there would not be any benefit pertaining to the character and appearance of the area, were the appeal scheme to be built in preference to that extant proposal. I therefore afford only limited weight to the claimed fallback position.

20. The appellant has also set out that the proposed development would provide a much needed 2-bedroom unit within the village, which they consider to have a current shortfall of such accommodation. However, I have no substantive evidence before me of the need or the level of shortfall for this type of accommodation in the village. Notwithstanding this, I acknowledge that the creation of an additional dwelling would contribute to boosting the supply of new housing, as referenced in the Framework and provide the associated social, economic, and environmental benefits that a dwelling would contribute to. Nonetheless, the benefit of one dwelling in boosting housing supply in the area would be limited.
21. I have also taken into account the desire of the existing occupants and their relative to live in close proximity to one another for caring and companionship purposes. However, this would be a private benefit that would not be secured in perpetuity for the public interest.
22. Overall, when taking the above factors into account, the harm caused to the character and appearance of the area, and the living conditions of future occupiers, with particular regard to the provision of internal living space, would not be outweighed by any benefits or other material considerations relating to the proposal.

Conclusion

23. For the reasons given and having regard to all matters raised, I conclude that the appeal is dismissed.

N Bromley

INSPECTOR