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## Appeal Decision

Site visit made on 28 February 2023

**by J Moore BA (Hons) BPI MRTPI**

**an Inspector appointed by the Secretary of State**

**Decision date: 6 April 2023**

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**Appeal Ref: APP/C3430/W/22/3306918**

**2 Brindley Brae, Kinver, Staffordshire DY7 6LR**

- 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 Treadwell against the decision of South Staffordshire District Council.
  - The application Ref 22/00415/FUL, dated 20 April 2022, was refused by notice dated 13 July 2022.
  - The development proposed is the construction of a three bedroom bungalow, parking and associated works.
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### Decision

1. The appeal is dismissed.

### Preliminary Matter

2. The appellant's statement of case referred to the 'Kinver Neighbourhood Plan, adopted August 2022'. The Council has provided clarification that this plan is not yet adopted, and that consultation on a final draft entitled 'Kinver Neighbourhood Plan, Regulation 16 Version, December 2022' (KNP) is currently in progress. As an emerging plan, it is a material consideration in my decision.

### Main Issue

3. The main issue is the effect of the proposal upon the character and appearance of the area.

### Reasons

4. The appeal site is located within a residential area, characterised by large, detached properties set back from the road in spacious plots. Property forms are predominantly, but not exclusively two-storey, with generous front and rear gardens.
5. The host property is a detached bungalow on a corner within Brindley Brae, with its principal elevation and vehicular access facing the lower, shorter section of Brindley Brae. As such, the space to the south side of the host property functions as a rear garden. The rear garden boundary of the corner plot of No.18 Hampton Grove (No.18) abuts the appeal site. No.18 and its neighbour at No.17 have narrower plots in comparison to other properties along Hampton Grove. Nevertheless, the prevailing plot pattern along Hampton Grove and the upper section of Brindley Brae, including the host property, is regular and rhythmic.

6. The insertion of a much smaller tapered plot into this pattern, between the host and No.18 would appear incongruous, due to its plot shape, width and depth. The proposed plot would thus appear incongruous to the prevailing character of wider, deeper and regular plots.
7. The proposed dwelling would be located within the host's garden, with its principal elevation facing the lower part of Brindley Brae. Due to its siting at approximately 3-4m from the back of pavement, the proposed development would result in a shallow front garden, discordant to the wider character of deep frontages. Thus, the proposed dwelling would appear incongruous to the prevailing character of deeper front gardens and spaciouly set properties.
8. Due to its depth and width, together with its siting within a tapered plot shape, the proposed dwelling would be very close to the rear garden boundaries of Nos.18 and 17; and to the boundary of the remaining garden of its host. Thus, it would not conform to the spacious nature of plots within the area. The proposed two tandem parking spaces would accentuate the narrow nature of the plot.
9. The host is a single storey bungalow, and No.18 is a dormer bungalow. The proposal would include changes to the level of the land to site the proposed single storey bungalow. These factors would combine with the height of the proposed bungalow to result in a stepped change in the height of property forms along this section of Brindley Brae. In my judgement, this stepped change responds to the local topography, and would not unduly distract from the character of the street scene in terms of building height.
10. However, due to its siting, scale, height, width, depth, and its plot size and shape, the proposed bungalow would appear as a significantly smaller property, and thus would be in sharp contrast to the prevailing scale of larger property forms within the wider street scene. The retention of the hedgerow would not overcome this discordance.
11. I have had regard to the examples in the area cited by the appellant, and I visited those in public view. I agree that the lower section of Brindley Brae opposite the appeal site includes less regular plot patterns. However, I saw that collectively, these plots form a triangular shape of land between the lower section of Brindley Brae and Dunsley Road, and although the plot pattern is consequently less regular, plot sizes are larger than the appeal site, and the spacious character of plots is respected.
12. I therefore conclude that the proposed development would harm the character and appearance of the area.
13. The proposal would be located within a suitable location for development and support the government's objectives to boost the supply of housing, and to use land efficiently, although an additional unit of housing would be a small contribution to housing supply. It could also assist in providing a choice of accommodation to meet any identified needs. However, such benefits would not outweigh the harm I have identified.
14. The proposed development would therefore conflict with Policy EQ11 of the South Staffordshire Core Strategy Development Plan Document 2012, which seeks, among other things, to ensure that development proposals are of a high quality design; respect local character and distinctiveness; contribute positively

to the street scene and surrounding buildings in terms of scale, volume, massing and materials, while respecting the scale of spaces and buildings in the local area. It would also conflict with the South Staffordshire Design Guide 2018, which seeks to ensure that development follows general design principles; and that developments should aim to continue the established pattern of development.

15. The proposed development would also conflict with paragraphs 124 and 130 of the National Planning Policy Framework (the Framework), which, among other things, seek to ensure that planning decisions support development that makes efficient use of land, taking into account the desirability of maintaining an area's prevailing character and setting (including residential gardens); that developments function well and add to the overall quality of the area, and are sympathetic to local character.

### **Other Matters**

16. The Council did not refer to the emerging KNP in their reasons for refusal, nor in their officer report on the planning application. With regard to paragraph 48 of the Framework, the KNP is subject to consultation; there is no evidence before me on the extent to which there are unresolved objections to the policies of the KNP; nor as to whether there is any perceived conflict with the Framework. Consequently, I cannot be certain that Policies KN02 and KN06 of the emerging KNP are in their final form.
17. While Policy KN02 offers support to infill development, this is not unfettered, and the proposed development would conflict with the provisions of Policy KN06, which seeks to ensure that development complements the site and local context in regard to certain characteristics of the area. These emerging policies would not materially change the approach of the adopted development plan insofar as they are related to the main issue. Therefore, the precise weight which should be attached to the emerging policies of the KNP is not determinative.

### **Conclusion**

18. For the reasons given, I conclude that the development conflicts with the development plan, read as a whole. No material considerations have been shown to carry sufficient weight to warrant a decision otherwise than in accordance with it. Therefore, the appeal is dismissed.

*J Moore*

INSPECTOR