



Appeal Decision

Site visit made on 26 January 2010

by **Karen L Ridge** LLB (Hons) MTPL

an Inspector appointed by the Secretary of State
for Communities and Local Government

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Decision date:
11 February 2010

Appeal Ref: APP/C3430/A/09/2116603

Land at Broad Meadow Lane, Great Wyrley, Staffordshire WS6 6EG

- 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 Anthony Stanley against the decision of South Staffordshire Council.
- The application Ref. 09/00518/FUL, dated 11 July 2009, was refused by notice dated 8 September 2009.
- The development proposed is a new bungalow.

Decision

1. I dismiss the appeal.

Main issues

2. I consider that there are two main issues in this appeal; firstly the effect of the bungalow on the living conditions of existing occupiers at 12 Shaw's Lane, having regard to their outlook. Secondly, whether the proposed bungalow would provide satisfactory living conditions for its intended occupants having regard to the amount of private amenity space.

Reasons

Effect on the living conditions of adjoining occupiers

3. The appeal site comprises land which was formerly part of the rear garden of 14 Shaw's Lane, a detached bungalow on a corner plot. The new bungalow would front on to Broad Meadow Lane, with its side elevation facing the rear elevation of the existing house at no. 14. The adjacent bungalow at no. 12 has its rear elevation on almost the same building line as that at no. 14, but unlike no. 14, it has been extended to the rear. These extensions, comprising a single storey brick extension with a large conservatory off it, bring the built development closer to the appeal site.
 4. The rear elevation of the new bungalow would be sited around 5 metres from the common boundary with no. 12. A wooden fence along this boundary would prevent any overlooking from the rear elevation windows proposed. However, the ridge height of the dwelling would be in the order of 5 metres and whilst the roof is hipped, it would still represent a large roofscape, extending to over 12 metres long. Whilst the new bungalow would be at an oblique angle to the conservatory, the roofscape would loom large over the fence representing an oppressive feature. This would be detrimental to the outlook of the occupiers of no. 12, both from the conservatory and from the rear garden.
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5. Whilst I note that the properties at nos. 12 and 14 originally had relatively generous gardens in terms of their lengths, the additions at no. 12 have served to shorten the garden. My attention has also been drawn to the relationship between a pair of semi-detached bungalows at New Street and an existing end of terrace property there. However, these new dwellings appear to have lower ridge heights than that proposed here and in addition a brick garage/outbuilding is located directly between the new properties and the conservatory on the end dwelling.
6. For the above reasons I conclude that the bungalow would have a detrimental effect on the living conditions of the occupiers of no. 12. As such it is contrary to the objectives in saved policies H19 and BE26 of the South Staffordshire Local Plan (LP) which seek to protect the amenities of existing residents.

Whether the bungalow would have adequate private amenity space

7. LP policy BE26 also seeks to ensure that new development is, amongst other things, appropriate in terms of its layout and siting. Appendix 1 of the LP sets out guidelines for space about dwellings. The guidelines recognise that regard must be had to a site's individual context and that the merits of a layout as a whole will also be considered. In this case the new 3-bedroom dwelling would have private amenity space to the rear of some 150m² which would be enclosed by a 2m high close boarded fence to provide privacy. The layout is such that the garden would wrap around the south-eastern corner of the dwelling.
8. The guidelines provide that the rear gardens of family houses should have a minimum length of 10.5m. In this case the distance between the rear elevation of the bungalow and the rear boundary of the site would be considerably less, at around 5m. However, that part of the garden to the side of the house would be over 6m wide and over 10m long. To my mind the useful side area would more than compensate for the lack of depth of the rear garden. The garden would be a regular shape and would be useable and at 150m² it would be well in excess of the recommended minimum area of 65m² for family dwellings. For these reasons I conclude that the dwelling would have adequate private amenity space in accordance with development plan policies.

Other matters

9. Whilst another neighbour at no. 10 has raised concerns about possible overlooking from the rear windows but I have already concluded that there would be no overlooking in relation to the immediate neighbour at no. 12 and the same conclusion would apply to no. 10.

Conclusions

10. Whilst I have found in favour of the proposal on the second issue and other matters, I have concluded that it would result in harm to the living conditions of existing residents. This harm could not be overcome by the use of conditions and is not outweighed by any other material considerations.

Karen L Ridge

INSPECTOR