



Appeal Decision

Site visit made on 30 March 2009

by P N Jarratt BA (Hons) DipTP MRTPI

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

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**Decision date:
5 May 2009**

**Appeal Ref: APP/R1845/A/09/2094286
25 St George's Terrace, Kidderminster, DY10 1SQ**

- 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 Nigel Williams against the decision of Wyre Forest District Council.
- The application Ref 08/0331/FULL, dated 17 March 2008, was refused by notice dated 21 August 2008.
- The development proposed is the erection of 6 no. apartments on site of existing bungalow.

Decision

1. I allow the appeal, and grant planning permission for the erection of 6 no. apartments on the site of an existing bungalow at 25 St George's Terrace, Kidderminster, DY10 1SQ in accordance with the terms of the application, Ref 08/0331/FULL, dated 17 March 2008 and the plans submitted with it, as amended by revised drawing nos 07.711.01A/02A/03A/04B/05A and the 1:500 site layout/parking plan, subject to the conditions in the Schedule of Conditions attached to this decision.

Main Issues

2. The main issues in this appeal are the effects of the proposed development on highway safety and on the character and appearance of the area.

Reasons

Highway Safety

3. St George's Terrace is a narrow street with little provision for pedestrians. It is one-way in the vicinity of the appeal site and there is a 7.5 tonnes weight restriction. The Council's refusal of the proposed development appears to reflect the weight of objection from local residents who draw attention to existing traffic conditions and to the worsening of these conditions they believe would arise should the development be constructed. Whilst I have no doubt that these concerns are strongly held, I note that the Council has not submitted any further substantive evidence to justify the highway reason for refusal.
4. Despite the Council's and neighbours' concerns, the highway authority has not objected to the proposal. The appellant has submitted data indicating that traffic movements are low and that there has been one personal injury accident recorded in the last five years as a result of a refuse lorry door being opened. The appellant considers that the street exhibits similar characteristics to a shared surface street in a 'Home Zone'. Although the Council and a local resident dispute

this analogy, the nature of St Georges Terrace appears such that both pedestrians and vehicles can use the road in line with current thinking set out in Manual for Streets (Department for Transport, 2007) and that driver behaviour is influenced by the highway width, visibility and shared use characteristics.

5. I am satisfied that the traffic generation arising from the proposed development would not have any significant impact on pedestrian and highway safety. I consider, therefore, that the proposed development would not conflict with Policies D9, TR7 and TR9 of the Wyre Forest District Local Plan.

Character and Appearance

6. Although the Council consider that the design of the proposal does not take account of its context, they fail to explain why this should be the case. The proposals have been amended to reflect adjoining ridge heights and a half-hip roof design is proposed that respects the side elevation of the adjoining dwelling.
7. I consider that the proposed development would be appropriate in its context, reflecting the scale, massing, height and detailing of other dwellings in the street scene. It accords with the Council's Design Quality Supplementary Planning Guidance and with Policy D1 of the local plan.

Other Considerations

8. Neighbours have expressed concerns about loss of privacy, daylight and noise pollution but these have not been issues raised by the Council and I do not consider that living conditions arising from the proposed development would be materially different from those experienced elsewhere in St George's Terrace.
9. The appellant has submitted a signed Unilateral Undertaking which makes provision for contributions towards education and open space facilities. However the application was not refused on the basis of the impact of the proposal on such facilities and the Council has not referred to any relevant Development Plan policy to support such a requirement. I therefore attach little weight to the signed Undertaking.

Conclusions

10. For the reasons given above and having considered all other relevant planning matters including the references of both parties to national policy and guidance, I conclude that the appeal should be allowed subject to conditions.
11. I have attached conditions similar to those suggested by the Council although I have amended the wording where appropriate in the light of Circular 11/95. Conditions 2, 5 and 6 are necessary in the interests of the character and appearance of the area. Condition 3 will ensure that adequate parking provision will be available before the apartments are brought into use. Condition 4 is necessary to ensure that any effect on the living conditions of neighbours would be reduced. I have added a condition requiring the submission of details of refuse storage and recycling facilities as no proposals were submitted with the application.

P N Jarratt

Inspector

Schedule of Conditions

- 1) The development hereby permitted shall begin not later than three years from the date of this decision.
- 2) No development shall take place until samples of the materials to be used in the construction of the external surfaces of the building, including hard surfacing, hereby permitted have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.
- 3) The apartments shall not be brought into use until the access, turning area and parking area have been drained and constructed in accordance with details to be submitted to and approved in writing by the local planning authority. These areas shall be retained for those purposes thereafter.
- 4) No development shall take place until details of all walls, fences and other means of enclosure have been submitted to and approved in writing by the local planning authority indicating the positions, design, materials and type of boundary treatment to be erected. The boundary treatment shall be completed prior to the occupation of the apartments in accordance with the approved details and shall be retained thereafter.
- 5) No development shall take place until full details of both hard and soft landscape works have been submitted to and approved in writing by the local planning authority. All hard and soft landscape works shall be carried out in accordance with the approved details. The works shall be carried out prior to the occupation of any part of the development or in accordance with the programme agreed with the local planning authority.
- 6) If within a period of five years from the date of the planting of any tree or plant, that tree or plant, or any replacement for it, is removed, uprooted or destroyed or dies, or becomes, in the opinion of the local planning authority, seriously damaged or defective, another tree or plant of the same species and size as that originally planted shall be planted at the same place prior to the end of the first available planting season thereafter, unless the local planning authority gives its written approval to any variation.
- 7) No development shall take place until details of refuse storage and recycling facilities have been submitted to and approved in writing by the local planning authority. The facilities shall be completed prior to the occupation of the apartments in accordance with the approved details and shall be retained thereafter.