

Information item

1 Introduction

- 1.1 There have been a number of planning appeals determined over the last few months which would be useful to reflect upon:

Tamworth Reference	Address	Description
0529/2021	16 Heath Street, Tamworth B79 7JH	Change of use from single dwelling to 4no studio apartments including two storey and single storey rear extensions.
0024/2022	Champion Tattoo 15 Tamworth Road, Amington TAMWORTH B77 3BS	Change of use of an existing tattoo studio (Sui Generis) to residential (C3), creation of an additional dwelling unit, demolition of an existing garage and the erection of a detached 1-bedroom bungalow, with associated off street parking and external amenity space.
0352/2021	Land adjacent 15 Romney, Belgrave, Tamworth B77 2NH	Construction of 2 pairs of semi-detached dwellings with frontage parking.

The planning Inspectorate has now determined these details and this report identifies the decisions and the key issues that arise from them.

2 Appeals

0529/2021

- 2.1 This application was refused on 31st January 2022. The application was for full planning permission for the change of use of a single dwelling into four studio apartments. A two storey and single storey rear extension was also proposed.
- 2.2 An appeal was submitted to the Planning Inspectorate reference APP/Z3445/W/22/3300230 and was considered by an inspector appointed by the Secretary of State. An appeal decision dated 11th November 2022 was received by the Council confirming that the appeal had been **dismissed**, therefore the application remains refused
- 2.3 The reasons given included that due to the continuation of built form flush with the elevation fronting Dent Street, the extended frontage would cause harm to the prevailing positive character and appearance of the area.
- 2.4 In addition to these impacts on character, the inspector also felt that as the proposal would replace an existing single storey extension, given the overall height, cumulative projection and positioning, it would present a sizeable and overbearing structure along the shared boundary with No.14. This would result in an imposing and oppressive outlook when viewed from the rear facing windows of No.14.
- 2.5 **Department Response**
It is pleasing to see that the Planning Inspectorate agree with our interpretation of the Design SPD when it relates to amenity loss of those living nearby. Design is also a fundamental issue with this proposal where again the inspector agreed with our decisions.

0024/2022

- 2.6 This application was refused on 31st March 2022. The application was for Change of use of an existing tattoo studio (Sui Generis) to residential (C3), creation of an additional dwelling unit, demolition of an existing garage and the erection of a detached 1-bedroom bungalow, with associated off-street parking and external amenity space.

2.7 An appeal was submitted to the Planning Inspectorate reference APP/Z3445/W/22/3298697 and was considered by an inspector appointed by the Secretary of State. An appeal decision dated 2 November 2022 was received by the Council confirming that the appeal had been **dismissed** , therefore the application remains refused.

2.8 The reasons given were that given the size of the proposed dwellings, it would be a reasonable expectation that a private garden space of adequate size is provided for purposes such as sitting out and the drying of laundry. Even if the living conditions of the occupants would be acceptable in all other regards, in the absence of any useable private garden space the needs of the occupants of the development would not be met and therefore appropriate living conditions would not be provided for the future occupiers with regard to garden area.

2.9 **Department Response**

For this application, the lack of useable amenity space was considered the most important matter in agreeing with us and refusing the application. We welcome the agreement of this for this decision and hope we can extend the principles of this to other developments but remembering that each case will as ever

0352/2021

2.9 The application was refused on 5th November 2021. The application was for the erection of two pairs of semi-detached dwellings with frontage parking.

2.10 An appeal was submitted to the Planning Inspectorate reference APP/Z3445/W/22/3297985 and was considered by an inspector appointed by the Secretary of State. An appeal decision dated 5th November 2021 was received by the Council confirming that the appeal had been **dismissed**, therefore the application remains refused.

2.11 The reason given that the proposal did not meet all three of the criteria of EN3 where development is proposed on open space.

Proposals for development that would result in loss of open space or would adversely affect open space will not be permitted unless it can be demonstrated that:

- a) The strategic benefits of delivering the Local Plan outweigh the negative impact or loss.
- b) There remains access to good quality publicly accessible open space. Where alternative sites are not of good quality contributions to improving their quality will be expected.
- c) The integrity of the open space network and in particular its role in providing green links is maintained

Both criteria b) and c of the policy would be met and as for a) based on the evidence before the inspector the scheme would not deliver a strategic benefit that would outweigh the loss of the open space.

2.12 As the scheme fails to do this it would not comply with Policy EN3 of the Local Plan and with the absence of material considerations to outweigh the absence of compliance a dismissal of the appeal was given.

Recommendation

For Information only.