

MEETING:	PLANNING COMMITTEE
DATE:	23 NOVEMBER 2011
TITLE OF REPORT:	<p>DMS/112616/F - DEMOLITION OF EXISTING BUNGALOW AND GARAGE TO ALLOW FOR REDEVELOPMENT COMPRISING 4 NO. RESIDENTIAL FLATS WITH ACCESS, CAR PARKING, BIN / CYCLE STORES, LANDSCAPING AND OTHER ASSOCIATED WORKS AT 44 TOWER ROAD, HEREFORD, HR4 0LF</p> <p>For: Mr Shaw per Mr David Hutchison, Pegasus Planning Group, Pegasus House, Queens Business Centre, Whitworth Road, Cirencester, Gloucestershire, GL7 1RT</p>

Date Received: 21 September 2011 **Ward: St Nicholas**

Grid Ref: 349772,239673

Expiry Date: 23 November 2011

Local Members: Councillors SM Michael and JD Woodward

1. Site Description and Proposal

- 1.1 The application site is 0.0927 hectares in size and comprises an existing four bedroom bungalow standing within its own substantial curtilage. The site is at the western end of Tower Road which is a no through road that does not benefit from a turning head. It lies within the established residential area of Broomy Hill.
- 1.2 The bungalow is set back 18.8m from the edge of the footway and the area in front of the bungalow is laid to garden with off road car parking (including garage space).
- 1.3 The application site is bounded to the north and east by existing residential dwellings, a large area of public open space lies to the west and the public highway forms the southern boundary. The surrounding area is characterised by large detached and semi-detached period properties some benefitting from off street parking but many relying upon on-street parking. These are detached and semi-detached family period properties with some later infill.
- 1.4 The proposal is for the demolition of the existing bungalow and erection of a building sited 15m back, but fronting the highway. The element that would front Tower Road would be both 2 and 2½ storeys in height with the element to the rear stepping down from two storeys to single storey.
- 1.5 The front elevation would comprise gables with bay windows at ground and first floor level. Materials would be red brick (with contrasting decorative brick detailing), stone cills and use of slate (or similar) for the roof coverings.

- 1.6 The building would accommodate four, two bedroom residential units. The two and a half storey section would accommodate a ground floor apartment, with a second apartment above comprising living accommodation at first floor and bedrooms above. The two storey element of the front block would be a two bed unit (with living accommodation at ground and bedrooms above). The rear element of the proposal would also provide for a fourth unit with living accommodation at ground floor and bedrooms above. Each unit would have its own external entrance.
- 1.7 Car parking is provided predominantly to the rear of the site at a ratio of 2 spaces per flat, although two spaces are also provided at the front (to serve the apartment that has its entrance to the front). Landscaping is provided with communal amenity space.
- 1.8 The application would require the removal of some existing trees hedgerows and landscaping. It also includes additional planting and erection of boundary fences or walls. The existing boundary wall to the west would be retained.
- 1.9 The application is accompanied by an Ecological Survey (undertaken Dec '10 – Jan '11), surface water drainage details, daylight analysis and confirmation that the applicants would be agreeable to commencement within 12 months of the date of permission in order to take advantage of the current suspension of S106 payments.

2. Policies

2.1 Government Guidance:

Planning Policy Statement 1	-	Delivering Sustainable Development
Planning Policy Statement 3	-	Housing
Planning Policy Statement 9	-	Biodiversity and Geological Conservation
Planning Policy Guidance 13 (2010 revision)	-	Transport

2.2 Herefordshire Unitary Development Plan:

S1	-	Sustainable Development
S2	-	Development Requirements
S3	-	Housing
DR1	-	Design
DR2	-	Land Use and Activity
DR3	-	Movement
DR4	-	Environment
DR5	-	Planning Obligations
H1	-	Hereford and the Market Towns: settlement Boundaries and Established Residential Areas
H13	-	Sustainable Residential Design
H15	-	Density
LA6	-	Landscaping Schemes
NC1	-	Biodiversity and Development
NC8	-	Habitat Creation, Restoration and Enhancement
T11	-	Parking Provision
CF1	-	Utility Services and Infrastructure
CF2	-	Foul Drainage

3. Planning History

- 3.1 DCCW2004/3497/F Construction of dormer windows, single storey extension and a basement. Approved December 2004.

- 3.2 DCCW2006/3245/F Construction of a workshop/store including a basement. Withdrawn November 2006.
- 3.3 DMS100947/F Erection of 8 flats. Refused 21 July 2010 for the following reason:

“The local planning authority consider, having regard to Policies DR1, H13(1) and H14(2) of Herefordshire Unitary Development Plan 2007, that the proposal is unacceptable in that it would constitute an over intensive form of development which does not respect, is out of character with and consequently would be detrimental to the established residential character of the locality.”

- 3.4 DMS/102805/F Proposed demolition of existing dwelling and erection of 5 two bedroom apartments and provision of public turning area. Refused 14 February 2011 for the following reason:

The local planning authority consider that the proposal is unacceptable in that it would constitute a form of development which by virtue of its form, design, appearance and layout does not respect and is out of character with established residential development in the area. On this basis the proposal would conflict with Policies DR1, H13(1) and H14(2) of Herefordshire Unitary Development Plan 2007.

- 3.5 Following the refusal of these applications appeals were lodged (linked appeals were considered at the same time) and were dismissed. The detail of this is discussed in the officer appraisal and the appeal decision is annexed to this report.

4. Consultation Summary

Statutory Consultations

- 4.1 Welsh Water: No objection subject to the use of standard conditions.

Internal Council Advice

- 4.2 Traffic Manager: No objection subject to the use of standard conditions. Query accessibility of the bin / cycle store.
- 4.3 Public Rights of Way Manager: No objection.
- 4.4 Conservation Manager (Ecology): Makes the following comments:

I note that although the property is on the edge of the city and adjacent to suitable bat foraging habitat, no evidence of bats was found in the roof space of the bungalow. There are very few cracks and crevices where bats could access the property for roosting and I am therefore satisfied with the assessment of the site by the ecological consultant.

5. Representations

- 5.1 Hereford City Council: No objection.
- 5.2 10 letters of objection have been received from:
Emma Benjamin, 69 Breinton Road, Hereford.
Mrs R M Howard, 36 Tower Road, Hereford.
Mr and Mrs Davies, 29 Tower Road, Hereford.
Mr and Mrs Kent, 38 Tower Road, Hereford.

Mr and Mrs Bashir, 1 Connaught Place, Hereford.
Mr and Mrs Brydon, 26 Tower Road. Hereford.
C Burgoyne and J Pritchard, 34 Tower Road, Hereford.
Mr and Mrs Hawley, 19 Tower Road
Mr and Mrs Lilley, 40 Tower Road, Hereford
Jean Tidmarsh, 33 Tower Road, Hereford.

5.3 Their comments are summarised as follows:

- Overdevelopment of the site.
- Proposal not in keeping with the area and is an uncharacteristic form of development.
- The building is too high and too large.
- The area is characterised by family dwellings and is not suitable for high density development.
- Utilities will not cope with the increased demand leading to the potential for increase in flooding (high water table in area).
- Potential overlooking and loss of privacy.
- Loss of light / overbearing on impact on the amenities of residents of Number 40. Garden would then face a car park.
- Insufficient parking provision
- Concerns about increase in traffic movements at the already dangerous junction of Tower Road, Barton Road / Westfaling Street and Breinton Road.
- Many existing properties don't have off-street parking, resulting in congestion and problems for those accessing their driveways / parking areas.
- Cars already parked on both sides of the road and there is no turning space.
- The proposed turning space will be a hazard
- Pedestrians, particularly children, elderly or wheelchair users may be at risk from any further development in this area.
- Problems with parking already means restricted access for emergency and service vehicles.
- The whole area suffers from a lack of capacity in terms of parking provision.
- Much prefer pair semi-detached dwellings.
- Possibly devalue properties in the area.

5.4 The full text of these letters can be inspected at Hereford Customer Services, Franklin House, 4 Commercial Road, Hereford, HR1 2BB and prior to the Committee meeting.

6. Officer's Appraisal

6.1 Having regard to the relevant policies, the primary issues in determining this application are considered to be:

- Character and appearance of the area
- Design, layout and residential amenity
- Access and highways Issues
- Water and sewerage
- Ecology
- Planning Obligations

6.2 The two previous applications and subsequent appeals considered the above issues. The two appeals were considered together and this decision is a material consideration in the appraisal of this application.

6.3 The appeal and previous reasons for refusal focused on the character of the area and how the development would impact upon this. Local residents and Members raised concern primarily

Further information on the subject of this report is available from Ms Kelly Gibbons on 01432 261781

about the introduction of flats into an area that is predominantly family housing. This matter was considered by the Planning Inspector who concluded as follows:

'I have noted residents concerns that flats would be out of character in an area of family housing but mixed and inclusive communities are a government objective set out in planning Policy Statement 3 Housing'

- 6.4 Having regard to this decision and the current national policy, the principle of introducing flats in this location is considered to be acceptable.
- 6.5 Whilst the Inspector considered up to 8 flats to be acceptable in principle, this application has reduced the number of units down to four in order to address the Inspector's concerns about the impact on the amenities of No. 40 Tower Road and to address concerns in respect of design and impact on the character of the area.
- 6.6 The front of the proposed building has been sited further back in the site and adopts an 'L' shaped layout. The building line has been set back behind the line of the ground floor bay window to the side elevation of No. 40 therefore allowing a more open aspect and acceptable relationship between the two buildings. All of the windows on the eastern elevation of the proposed building facing No. 40 would be obscure glazed and a condition would be applied to any permission to ensure this. There would be bedroom and kitchen windows in the rear elevation of the front block and although this will allow for a small amount of oblique overlooking, this is not unusual in urban situations. The Inspector notes *'overlooking from a first floor kitchen window and a second floor bedroom window in the rear facing elevation would be within acceptable limits, particularly as they would belong to the same flat (para 13)*. All other windows are non habitable and can be conditioned. Overlooking to gardens of dwellings on Breinton Road would only be from these two windows and would be in excess of 21m to the rear boundary (landscaped) which is more than adequate in terms of potential overlooking.
- 6.7 The design of the building has also been reconsidered to address the issues in respect of impact and a stepped roof line is proposed. The height of the part of the front block closest to no. 40 has been reduced and the separation distance between the rear elements and boundary with No. 40 are significant enough (10.3m to boundary) to ensure that the rear element would not be overbearing or cause loss of light to the garden or No. 40. A daylight analysis has been provided with the application which clearly demonstrates that this relationship is acceptable.
- 6.8 Architecturally the proposal follows the same traditional approach as before, reflecting the Victorian and Edwardian properties in Tower Road. Whilst members did not refuse these previous applications on design grounds the Inspector did raise concern in respect of the design of the second application for 5 flats. Concern related to the detailed design of the 'L' shaped building, in particular the consistency of design, hipped roof and design detail coupled with the mass and length. It is considered that this proposal, although using the 'L' shaped approach has addressed the detailed design issues, and significantly reduced the mass of the building through the stepped down approach. The symmetry and proportions of the front elevation have also been considered, but given the set back position of the building its limited visual presence, the absence of a symmetrical frontage is not considered to be a basis for refusing permission within what is a mixed area in terms of architectural detailing. It is considered that the reduction in height adjacent to No. 40 is of more importance and this is a significant improvement over previous schemes.
- 6.9 Residents also raised concern about the siting of the parking to the rear of the site. The Inspector considered this as part of the appeals and noted that; *'The layout of the site with car parking to the rear might not reflect the arrangement and more spacious layout of the nearby*

plots but it would not be readily apparent from the public realm and would represent the efficient use of previously developed land in an urban area'.

- 6.10 The applicant has also agreed to the construction of a wall, rather than close board fence as the boundary between the application site and No. 40. Whilst this is not considered to be essential it would offer a more significant and robust boundary between the sites.
- 6.11 This scheme does include two parking spaces to the front of the building. This approach is typical of other dwellings that lie on the opposite side of the road and is characteristic of the area and of the existing parking arrangement. The existing hedge to the front of the site would be retained, and there would be a substantial lawned area between the highway (boundary) and building which would help retain this character. These spaces would serve the unit that is accessed from the 'front' entrance and as such this would be a more practical and traditional approach. In light of the Inspector's comments, and the context of the parking within the site, the proposed parking layout is considered to be acceptable.
- 6.12 Having regard to the above, the proposal is considered to comply with the requirements of Policies DR1, H13 and H14 of the Herefordshire Unitary Development Plan.
- 6.13 Key to local objections is the potential impact on highway safety by increased traffic movements in the road and lack of parking. Whilst Members did not raise this as a reason for refusal on either of the previously considered schemes, the concerns raised by residents were considered by the Inspector and it was considered in paragraph 17 of the attached decision. In light of this, and having regard to the reduced number of units, the proposed development would comply with the requirements of Policies DR3 and H13 of the Herefordshire Unitary Development Plan. It is also noted that the provision of a turning area (that would form part of the adopted highway) to the front of the site would provide a facility not currently available and which would improve highway safety by providing a formal area for turning.
- 6.14 Whilst the concerns raised about the perceived lack of capacity in the sewerage system are noted, Welsh Water have raised no objection to the proposed development, subject to the imposition of standard drainage conditions. In the absence of any objection from Welsh Water, it is not considered that the concerns raised in the letters of representation can be substantiated as ground for refusal.
- 6.15 Local residents have also raised concern about surface water drainage and potential problems due to a pre-existing problem of flooding to cellars that may be due to a high water table. In response to this the applicant has provided confirmation that the surface water drainage would be dealt with by channeling into soakaways at the rear of the property (with attenuation crates as required). Notwithstanding this a condition is suggested requiring details, including surface run-off rates to be agreed with the local planning authority prior to the commencement of development. Subject to the agreement of details the proposal is considered to be acceptable having regards to the requirements of Policies DR4 and H13 of the Herefordshire Unitary Development Plan. The Inspector also considered this matter and concluded that these issues could be addressed by these conditions.
- 6.16 Previously local residents have raised concern regarding the possibility that the existing dwelling is being used as a bat roost. The applicants have submitted a survey and the Council's Ecologist has confirmed that there is no objection to the proposed demolition of the dwelling. There is, in any case, other legislation that would protect such species.
- 6.17 The applicant has agreed that works would commence with 12 months. This reflects the decision of the Council on 4 March 2009 to suspend (effective from 1 April 2009) the requirements of the 'Planning Obligations' Supplementary Planning Document (February 2008) in relation to residential developments of five dwellings or less, and consequently no contribution is required.

- 6.18 In conclusion the proposals fully addressed the concerns of the Inspector and those that have been raised by local residents and subject to the appropriate conditions listed below the proposal is considered to comply with the development plan and as such approval is recommended.

RECOMMENDATION

That planning permission be granted subject to the following conditions:

- 1. A01 Time limit for commencement (full permission)**
- 2. B01 Development in accordance with the approved plans**
- 3. C01 Samples of external materials**
- 4. F17 Obscure glazing to windows**
- 5. G09 Details of Boundary treatments**
- 6. G10 Landscaping scheme**
- 7. G11 Landscaping scheme - implementation**
- 8. H05 Access gates**
- 9. I20 Scheme of surface water drainage**
- 10. L01 Foul/surface water drainage**
- 11. L02 No surface water to connect to public system**
- 12. Development shall not begin until a 'Construction Method Statement' has been submitted to and approved in writing by the local planning authority. The approved Statement shall be adhered to throughout the construction period. The Statement shall provide for:**
 - i. The hours when building operations will occur. (Note: In any event the local planning authority will now allow any process to be carried out and/or machinery to be operated beyond the following times: Monday-Friday 8.00 am-6.00 pm, Saturday 8.00 am-1.00 pm nor at any time on Sundays, Bank or Public Holidays).**
 - ii. The hours between which deliveries can be received taking into account and therefore avoiding times of peak congestion on the local highway network.**
 - iii. The parking of vehicles of site operatives and visitors.**
 - iv. The loading and unloading of plant and materials.**
 - v. Storage of plant and materials used in constructing the development.**
 - vi. The erection and maintenance of site security hoardings, where appropriate.**

Reason: To protect the amenity of local residents and in the interests of highway safety. To comply with Policies DR3 and DR4 of Herefordshire Unitary Development Plan.

- 13. H06 Vehicular access construction
- 14. H13 Access, turning area and parking
- 15. H09 Driveway gradient
- 16. I55 Site Waste Management
- 17. Prior to the commencement of development, details of the construction of the turning head and timetable for the dedication of the land to Herefordshire Council shall be submitted to and approved in writing by the local planning authority. Work shall be carried out in accordance with the approved details.

Reason: To ensure a satisfactory form of development having regard to highway safety and Policy DR3 of the Herefordshire Unitary Development Plan.

Informatives:

- 1. N01 Access for all
- 2. N02 Section 106 Obligation
- 3. N14 Party Wall Act 1996
- 4. N15 Reason(s) for the Grant of PP/LBC/CAC

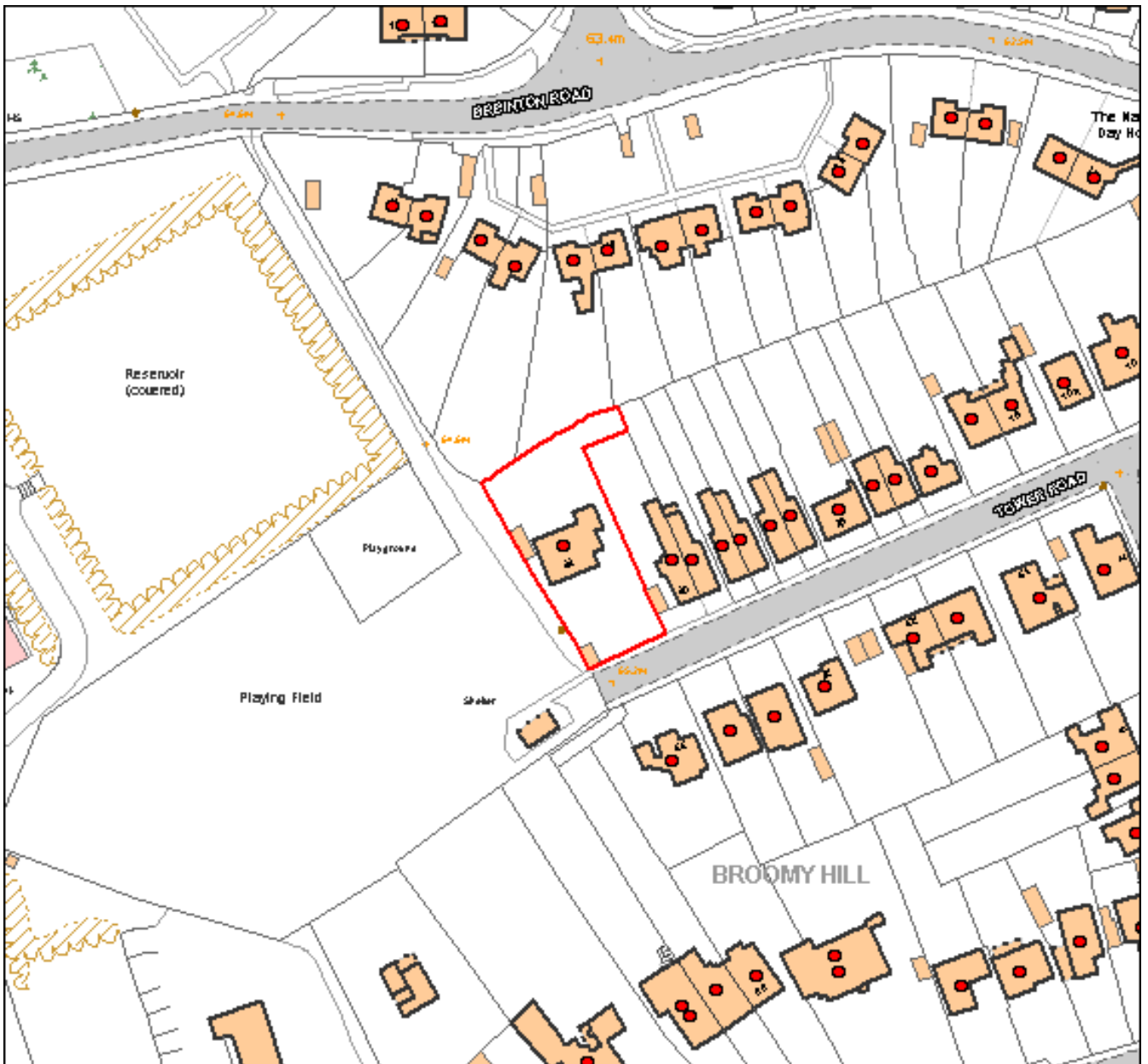
Decision:

Notes:

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Background Papers

Internal departmental consultation replies.



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APPLICATION NO: DMS/112616/F

SITE ADDRESS : 44 TOWER ROAD, HEREFORD, HR4 0LF

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Appeal Decisions

Site visit made on 24 May 2011

by **Julie German BSc(Hons) BTP MRTPI**

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

Government Decision date: 27 June 2011

Appeal A Ref: APP/W1850/A/11/2144907

44 Tower Road, Hereford HR4 0LF

- 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 Brian Shaw against the decision of the County of Herefordshire District Council.
- The application Ref DMCW/100947/F, dated 22 April 2010, was refused by notice dated 21 July 2010.
- The development proposed is the erection of 8 flats.

Appeal B Ref: APP/W1850/A/11/2147574

44 Tower Road, Hereford HR4 0LF

- 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 Brian Shaw against the decision of the County of Herefordshire District Council.
- The application Ref DMS/102805/F, dated 28 October 2010, was refused by notice dated 14 February 2011.
- The development proposed is demolition of existing dwelling to allow for the erection of 5 two bedroom apartments and provision of public turning area.

Decisions Appeal A Ref:

APP/W1850/A/11/2144907

1. The appeal is dismissed.

Appeal B Ref: APP/W1850/A/11/2147574

- 1 The appeal is dismissed.
- 2 The views of local residents and other interested parties have been taken into account in reaching these decisions.

Main Issue

4. The refusal reasons do not refer to the appearance of the proposals but it is clear from the appeal documentation that appearance is a matter of concern to local residents. On this basis, I consider that the main issue in respect of both appeals is the effect on the character and appearance of the area. I will therefore consider them together, except where otherwise stated.

Reasons

1 At the time of my early afternoon visit Tower Road had the air of a quiet backwater. It is lined with predominantly Victorian houses, interspersed with Arts and Crafts influenced and more modern dwellings. It is a no through road but there is no turning head, rather, the road simply terminates in front of a timber field gate which gives access onto a playing field. The appeal site is within the urban area and on that basis its redevelopment for housing is acceptable in principle.

2 The site is at the end of the road. The existing bungalow has no particular architectural merit and the Council has raised no objection to its demolition. From the front (south), both proposed schemes would have much of the appearance of a pair of tall semidetached Victorian villas, each villa having a two storey bay. The Appeal A scheme would take the form of two blocks, one behind the other and linked by a cycle and bin storage area on a cross plan. The block at the front would be two and a half storeys, providing accommodation in the roof, and the block at the back would be two storeys. In architectural terms, I consider that it has a robustly symmetrical and well ordered design which can barely be faulted.

3 I am less confident that the design of the Appeal B scheme would prove successful, however. This would be essentially an Lshaped building comprising a two and a half storey block at the front, with a two storey block attached to the rear offset away from the boundary with No 40. In my view, it would lack the consistency of design of the Appeal A scheme. For example, the rear block would have a hipped roof whereas the front block would have gabled roofs, a solitary window breaks the roofline, and the design detail over both entrances appears somewhat arbitrary, not being reflected elsewhere in the building. Seen from the sides, I consider that these features would result in the building appearing ungainly, particularly given its mass and length. Seen from the front, the space between the bays appears too large. This could perhaps be resolved by greater definition of the centre line of the building, thereby dividing the space, but as proposed the overall proportions of the front elevation appear unbalanced.

4 I have noted residents' concern that flats would be out of character in an area of family housing but mixed and inclusive communities are a Government objective set out in Planning Policy Statement 3 Housing. The layout of the site with car parking to the rear might not reflect the arrangement and more spacious layout of nearby plots but it would not be readily apparent from the public realm and would represent the efficient use of previously developed land in an urban area.

5 It could be argued that both buildings would be too large, at the end of Tower Road where comfortable rather than grand dwellings predominate. In terms of size, however, I tend to the view that the buildings would add interest and variety to the street scene. In addition, the Appeal A scheme would meet the terms of Policies DR1, H13 and H14 of the Herefordshire Unitary Development Plan in that it would reinforce the distinctive character and appearance of the locality and respect its context.

10. The Appeal B scheme, on the other hand, would fail to meet the requirements of these policies for the reasons I have given. Furthermore, Government guidance contained in Planning Policy Statement 1 Delivering Sustainable Development advises that design which fails to take the opportunities available for improving the character and quality of an area should not be accepted and I believe that to be the case here.

Other matters

11. During my site visit I visited No 40 which is the adjacent property. No 40 is a semidetached house with a two storey outrigger to the rear and a single storey extension to the rear of the outrigger. The main entrance to the house is at the side. A large box bay on the side elevation is divided in two, forming a porch over the entrance and a feature in a sitting room. There is also a landing window in the main part of the house. In the outrigger there is a door, a dining room window and a bedroom window. In the extension there is a utility room window and a kitchen window. There is a narrow area of garden at the side of the house.

12. The occupiers of No 40 are concerned, amongst other things, about the effect of the proposals on their privacy, outlook and light. There would be no direct overlooking of their property in the Appeal A scheme, all first floor windows in the side elevation being blind or obscure glazed. A front facing bedroom window in the first floor of the courtyard elevation would take the form of an oriel window with a boarded side panel to preclude overlooking. It is normally accepted, particularly in a built up suburban area that a certain amount of oblique overlooking from rear facing windows is to be expected. However, there would be overlooking towards No 40 from a kitchen/breakfast room and from a utility room in the first floor north facing courtyard elevation, and from the bedroom window above these in the second floor. There would also be overlooking of the garden from a first floor bay window of the living room/kitchen in the rear block. In this instance, I consider that the totality of overlooking from rear facing windows in the Appeal A scheme would be above what could be considered reasonable.

13. In the Appeal B scheme all first floor windows facing No 40 would be obscure glazed. Overlooking from a first floor kitchen window and a second floor bedroom window in the rear facing elevation would be within acceptable limits, particularly as they would belong to the same flat.

14. I am also concerned about the impact of the Appeal A scheme on the outlook from No 40. As noted above, there are a number of windows in the side elevation of No 40 such that the principal outlook from the property is from the side. Whilst I recognise that there would be a break between the two blocks the overall height and depth of building would be overly oppressive. The buildings would also block a significant amount of afternoon sunlight from the garden, compounding the harm due to loss of outlook.

15. I recognise that the rear wing of the Appeal B scheme is located away from the boundary with No 40. Nonetheless, it would be a building of a considerable size and depth which would dominate a significant part of the outlook from No 40. Further, the front block would result in some loss of afternoon sunlight in the side garden, thereby adding to the harm.

16. In all, I consider that both schemes would have an unacceptably detrimental impact on living conditions at No 40 Tower Road. The proposals thereby conflict with Policy H13 of the Herefordshire Unitary Development Plan in that they would not provide for acceptable levels of residential amenity in respect of nearby property, namely No 40 Tower Road. Living conditions at other nearby properties would not be unacceptably affected, in my view, due to the separation distances involved.

17. Nearby residents have made a number of objections to the proposals and it is clear that parking provision and highway safety is a matter of concern. Both schemes entail the provision of a parking and turning area to the rear of the building with access provided alongside the boundary with No 40. The Appeal A scheme would provide eight parking spaces and the Appeal B scheme would provide ten parking spaces. To my mind, this level of provision would be entirely adequate, particularly in view of the site's location within walking distance of the town. Further, in highway safety terms, the turning area proposed at the front of the site in the Appeal B scheme would provide a facility not currently available which might improve road safety. Whilst I recognise residents genuinely held concerns I cannot see that the small number of apartments proposed could result in any appreciable prejudice to road safety. I note that the Highways Manager has raised no objection to the proposals in this regard.

18. The impact of the development of the site on drainage and sewerage could be addressed by means of planning conditions if I were minded to allow the appeals. Following a bat survey the Council's ecologist has raised no objection to the proposals. Any effect that the development might have on property values is not a planning matter.

19. The appellant has provided a planning obligation in respect of Appeal A which covenants to pay to the Council the public open space, transport infrastructure and libraries contributions required by the Supplementary Planning Document Planning Obligations. From the information available to me I am satisfied that the monetary contributions detailed in the planning obligation directly relate to the proposed development and are necessary to make it acceptable in planning terms, therefore meeting the tests set out in Circular 05/2005 Planning Obligations and the Community Infrastructure Regulations 2010. However, my finding in this respect does not affect my conclusions on the matters I have identified and addressed above.

Conclusions

20. Overall, I conclude in respect of the Appeal A scheme that its satisfactory impact on the character and appearance of the area is outweighed by its impact on living conditions at No 40 Tower Road. Appeal B fails both due to its impact on living conditions at No 40 and due to its effect on the character and appearance of the area. For the reasons given above, and having regard to all other matters raised, I conclude that the appeals should be dismissed.

Julie
German
Inspector