



# Appeal Decision

Inquiry held on 13 to 16 June 2006

Site visit made on 16 June 2006

by **Timothy S. A. Belcher** LLB (Hons) Solicitor (Non-Practising)  
an Inspector appointed by the Secretary of State for  
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Date

24 AUG 2006

**Appeal Ref: APP/P1805/A/05/1179394**

**25, 27 & 29 Park Road, Hagley, Stourbridge, DY9 0NS**

- 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 Pegasus Retirement Homes Plc against the decision of Bromsgrove District Council.
- The application Ref B/2004/1533, dated 8 December 2004, was refused by notice dated 9 March 2005.
- The development proposed is the erection of 46 category II sheltered apartments for the elderly, construction of parking spaces and modification of existing access (demolish existing).

**Summary of Decision: The appeal is dismissed.**

## Procedural Matters

1. Amended drawings<sup>1</sup> were submitted to the Inquiry by the appellants. The amended drawings superseded the application drawings of the same number. The amendments related to a minor design issue. The Council did not raise any objection and I do not consider that any injustice arises from my accepting these amended drawings.
2. A Deed of Undertaking<sup>2</sup> makes provision for the payment of monies to the Council to be used as a contribution towards affordable housing in the Council's area in the event that planning permission is granted for the proposal. This arrangement is in accordance with Local Plan Policy S15(d). As this matter is no longer an issue in dispute there is no need for me to comment further on it.
3. As requested by the local residents I carried out an unaccompanied site visit on the 20 June 2006 to assess the traffic conditions in Park Road at the end of the school day.
4. I was advised that there are trees on the site protected by a Tree Preservation Order<sup>3</sup> but none of them would be removed or harmed by the proposal.

## Main Issues

5. I consider the main issues in this case are:

- 1) whether there is an anticipated local need for sheltered housing for sale to the elderly in the District of Bromsgrove to warrant a departure from the development plan policies

<sup>1</sup> Plans H & I

<sup>2</sup> Document 19

<sup>3</sup> Document 22

and the Council's Supplementary Planning Guidance Note 10 entitled "*Managing Housing Supply in the District of Bromsgrove*"<sup>4</sup> (the Housing Supply SPG),

- 2) the effect of the proposal, by virtue of its mass, bulk and height on the character and appearance of the area, and
- 3) the effect of the proposal on the living conditions of the occupiers of 29A Park Road having particular regard to loss of privacy from overlooking.

### Planning Policy

6. The development plan for the area includes the West Midlands Spatial Strategy adopted in June 2004 (WMSS), the Bromsgrove District Local Plan adopted in January 2004 and the Worcestershire County Structure Plan 1996 – 2011 adopted in June 2001. I have been referred to a considerable number of development plan policies<sup>5</sup>. I will explain the relevant parts of the policies in my reasoning below.
7. In 2003 the Council adopted the Housing Supply SPG. The following year the Council adopted Supplementary Planning Guidance entitled "*Residential Design Guide – Policy Guidance Note 1*"<sup>6</sup> (the Design SPG). I will explain the thrust of the Housing Supply SPG and the Design SPG and the weight to be accorded in my reasoning below.
8. I have also been referred to Government advice in Planning Policy Statement 1: "*Delivering Sustainable Development*", Planning Policy Guidance Note 3: "*Housing*", draft guidance in Planning Policy Statement 3 (PPS 3) "*Housing*" and Planning Policy Guidance Note 13: "*Transport*".

### Reasons

#### Issue One

9. The site is previously developed land as defined in PPG 3. For the purposes of the WMSS the site falls within the rural area. However, it is about 400m from the administrative boundary of Dudley Metropolitan Borough Council (Dudley). Dudley is, for the purposes of the WMSS a Major Urban Area. WMSS Policy RR1 explains that the rural areas will be regenerated through the improvement, amongst other things, of choice in housing. In preparing their development plans Councils will need to have regard to the interrelationship between urban and rural areas and to draw a general distinction between rural areas which are subject to strong influences from the Major Urban Areas and which are relatively prosperous and have generally good access to services and rural areas which may be remote from Major Urban Areas. It was undisputed that Hagley was subject to strong influences from Dudley. In rural areas such as Hagley, the main priority will be to manage the rate and nature of further development to that required to meet local needs, whilst ensuring that local character is protected and enhanced. The term "local needs" is defined in the Glossary of Terms as "*Anticipated requirements (e.g. for housing) generated by local growth or*

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<sup>4</sup> Document 5.

<sup>5</sup> WMSS Policies UR3, UR4, RR1, CF2, CF3, CF4, CF5, CF6, QE1, QE3, QE5, T1, T2, T3, T5 & T7.

Structure Plan Policies SD1, SD2, SD3, SD4, SD5, SD6, SD7, CTC1, CTC5, D1, D2, D3, D4, D5, D6, D9, D11 and T1

Local Plan Policies DS4, DS13, S1, S3, S6, S7, S8, S14, S15, S28, S29, C17, C18, C19 and TR11

<sup>6</sup> Document 6

*other (e.g. demographic) trends. This specifically excludes demands generated by migration from elsewhere".* Paragraph 6.7 explains that beyond the Major Urban Areas progressively lower levels of housing growth are proposed so that they ultimately meet local needs and do not provide for continued out-migration. This is a particularly important consideration in this case due to the site's close proximity to a Major Urban Area.

10. WMSS Policy CF2 explains that in rural areas the provision of new housing should generally be restricted to meeting local housing needs with priority being given to the re-use of previously developed land within existing villages enhancing their character wherever possible. Local housing needs constitute needs arising from the immediate area, excluding migration from elsewhere. Policy CF3 explains that development plans should make provision for additional dwellings to be built at the annual rates specified. These rates are to be applied as minima for Major Urban Areas and maxima elsewhere. The specified annual average rate for housing provision within Worcestershire is 1900 up until 2007, 1200 between 2007 and 2011 and 1000 between 2011 and 2021. The Government Office confirmed that these figures are to be applied from 2001 and that the proportion of housing for each District should be based on the Structure Plan proportions<sup>7</sup>. Applying that proportion (14%) to Bromsgrove the annual figures are 266 dwellings up until 2007, 168 between 2007 and 2011 and 140 between 2011 and 2021. These maxima figures for 2007 and 2011 have already been exceeded and the undisputed figures show that sufficient housing numbers have been provided to comply with the WMSS target up until 2015.
11. The Structure Plan predates the WMSS. The main objective of the Structure Plan housing strategy is set out in paragraph 6.3. It is to meet the housing requirements of the population of Worcestershire through the provision of an adequate range of housing in a way which protects the environment. The number of dwellings to be provided within Bromsgrove and the phasing of that housing is set out in Policy D2. Clearly, the number of dwellings to be provided has been superseded by the WMSS targets (as explained above).
12. The Local Plan's housing strategy is based on the Structure Plan which predated the existing. The principle of limited development within Hagley is in accordance with Local Plan Policy DS4. Policy D6 explains that in considering proposals for the provision of new dwellings the Council will take into account the changing housing needs of the population, particularly the trend towards smaller households and the special needs of particular groups. Paragraph 9.9 explains that consideration will be given to the needs of particular groups such as the very elderly.
13. In March 2003 Officers advised the Council<sup>8</sup> that the Structure Plan phasing target to 2006 was almost certain to be met and that the current supply would result in an excess, over the phasing target, of completed dwellings by April 2006. As a response to this the Council adopted the Housing Supply SPG. The Housing Supply SPG was adopted following extensive public consultation, consideration of the responses received and amendment in the light of those responses. The effect of the Housing Supply SPG is to only allow residential development within the District if it falls within a limited number of categories, none of which apply in this case.

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<sup>7</sup> Document 21

<sup>8</sup> Document 23

14. Appendix 1 to the Housing Supply SPG was updated in July 2005 and makes reference to the WMSS. The document identifies that there is a significant oversupply of housing in the District when measured against the Structure Plan targets at 2006 and 2011. The accuracy of these figures was not disputed.
15. One of the reasons for introducing the Housing Supply SPG is found in the Report to the Executive Cabinet<sup>8</sup>. This explains that there is a likelihood that any housing built now will not be off-set against future targets. This will lead to the unnecessary release of greenfield sites sooner than would otherwise be needed. This is a legitimate planning concern for the Council to address.
16. I am satisfied that the Housing Supply SPG has been adopted following the correct procedural requirements. Further, it accords with the Structure Plan approach advocated at Policy D2. In terms of timescale, the WMSS goes beyond that of the Structure Plan but in so far as it corresponds with the Structure Plan (in timescale terms) it reduces the amount of housing required in Worcestershire and consequently within Bromsgrove District. Whilst the Housing Supply SPG does not carry the full weight of a development plan policy I consider that it should be given substantial weight.
17. PPG 3 explains that local authorities should manage the release of sites over the plan period in order to control the pattern and speed of urban growth. It is for each local planning authority to determine the form of such phasing policies. I understand that the Council rely wholly on windfall sites rather than sites allocated in the Local Plan but this does not undermine the PPG 3 approach.
18. I am aware that the Council have not reconsidered the Housing Supply SPG following the adoption of the WMSS. However, I consider the principle of restricting new residential development where housing supply is well in excess of targets to be in accordance with the thrust of advice in PPG 3. I am aware that the 2021 housing target in the WMSS has not been exceeded. However, I have explained above that the housing supply figure goes well beyond the 2011 Structure Plan and WMSS targets. There is a real danger that if the Council did not control the supply of housing their WMSS housing allocation would be full prior to the Council being able to decide how competing local need demands for housing can be met in an equitable way in the remainder of the WMSS policy period to 2021. I also note that most of the categories of housing that would be permitted by the Housing Supply SPG would be likely to accord with the thrust of the WMSS to provide for local need housing although I do accept that there are other forms of local need housing that are not included within the Housing Supply SPG exceptions. I therefore do not agree with the appellants that the substantial weight that attaches to the Housing Supply SPG has been seriously diminished by the adoption of the WMSS.
19. It is clear that the approval of the proposal would exacerbate housing overprovision within Bromsgrove which the Housing Supply SPG seeks to address. I therefore conclude that the proposal is in conflict with the Housing Supply SPG.
20. Notwithstanding this, the Council accept that if there is a local need for the proposal this can outweigh the policy objection. In this case I accept that the demographic trend towards an increasingly ageing population will contribute to a local need for additional sheltered housing within Bromsgrove and that the figures referred to in the evidence are likely to



indicate an under-estimate of need as these are based largely on census figures which are now out of date.

21. I do not consider the fact that there is a greater proportion of older people living in the Bromsgrove District than in England as a whole establishes that there is a local need for the proposed additional sheltered housing. This statistic does not help in assessing whether the sheltered housing needs of the elderly in Bromsgrove are currently met and, if not, how much further sheltered housing is required. The appellants suggested a method of assessing the potential need for sheltered housing is to consider the existing provision of such against the number of retired households in the area. The appellants explained that a figure of around 3% represented the national percentage of retired households living in sheltered housing. It is clear from the proper analysis of the figures available that within Bromsgrove as a whole this benchmark figure is exceeded. However, because this figure is exceeded, it does not persuade me that the local sheltered housing need is met.
22. Further, the number of sheltered housing units available to buy per thousand of older people aged 60+ in Bromsgrove is greater than the figure for Worcestershire or England<sup>9</sup>. I accept that the number of sheltered housing units available to buy is significantly less than the number available rent. However, there is no convincing argument as to what the correct proportions should be. Thus I am unable to assess whether the current imbalance reflects a local need for more sheltered housing to buy in Bromsgrove. I also accept that there are difficulties for those living in owner occupied premises to meet the criteria to rent sheltered housing in Bromsgrove. Once again this does not assist in identifying the extent to which there is a local need for sheltered housing to buy. I do not accept that any of the statistical information provided to the Inquiry indicates the extent of a local need for sheltered housing to buy.
23. Further, I have been referred to part of a recent Housing Study<sup>10</sup> carried out in the District. The Report indicates that:
  - within the owner-occupied sector there is a shortfall of two-bedroom homes with a surplus of one, three and four bedroom accommodation,
  - the high number of older person households within the District may well have a significant impact on the future need for sheltered housing,
  - there could be potential scope to free up larger dwellings for younger families if the older households chose to move in to suitable smaller units.
24. I have also considered the information contained in "*Interpret. Inform. Inspire*"<sup>11</sup>. This document contains the results of a survey carried out at three sheltered housing complexes in Bromsgrove, Halesowen and another in Warwickshire. I note that 22% of the respondents stated that there is a need for more sheltered housing in their area. The survey explains that significantly more respondents from the sheltered housing complex in Halesowen suggested this. Again, this does not show that there is a local need within Bromsgrove for all of the units proposed by this proposal.

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<sup>9</sup> Document 24

<sup>10</sup> Document 25

<sup>11</sup> Document 26

25. I note that the proposal may well result in some local elderly persons moving from larger family sized homes. However, as explained above the Housing Study confirmed that there is a surplus of three and four bedroom accommodation in the owner-occupier sector. Even if this is incorrect or the situation is materially different in Hagley this evidence does not confirm that there is a local need for all of the sheltered housing accommodation proposed.
26. I also accept that the proposal may well allow residents of the units to either give up driving or reduce their dependence on the private motor car and thus contribute towards one aspect of sustainable development, which would be in accordance with Government advice. However, this benefit does not outweigh my concern that there is no convincing evidence that there is a local need for all of the proposed units.
27. I have also considered whether this concern could be addressed through the use of an occupancy condition which would restrict occupation to persons able to show a local connection with the District. The problem with this approach is that if it transpired that there is not a local need for the proposed units then it would be unreasonable for the Council to stop "non-locals" occupying the vacant units. To insist that the units remained vacant would be contrary to the aims of sustainable development. For these reasons I have concluded that this would not be an appropriate course of action in this case.
28. I therefore conclude that the proposal would be contrary to the relevant policies of the WMSS. I have already explained that it would be in conflict with the Housing Supply SPG and the Structure Plan policies which that is based on. Finally, there is insufficient evidence to conclude, on the balance of probabilities, that there is an anticipated local need for the proposed sheltered housing in Bromsgrove to warrant a departure from the relevant development plan policies and the Housing Supply SPG.
29. I am aware that there is likely to be a delay before the Housing Supply SPG is reviewed through the new local development framework procedures and that there is a long lead in time before new build units would become available. I have taken this into account in reaching my decision but this is insufficient to alter my conclusions on this issue.

#### **Issue Two**

30. The WMSS explains at Policy QE1 that environmental improvement is a key component of the Spatial Strategy. Policy QE3 explains that development plans should promote the creation of high quality built environments as part of the rural renaissance. Particular attention should be given to securing a high quality of building design through the use of architecture which respects the local character. Structure Plan Policy SD2 explains that development proposals should seek to ensure that there is no detrimental impact on the County's environmental assets. Proposals should seek to retain and enhance environmental assets and the distinctiveness of the local environment. Policy CTC1 explains that development proposals must demonstrate that they are informed by and sympathetic to the landscape character of the area in which they are proposed. The implications of development proposals relating to the landscape will be assessed having regard to the degree to which they would safeguard or strengthen the features and patterns that contribute to the landscape character and local distinctiveness of the area with particular attention being paid to the scale, layout, design and detailing of existing buildings. Development which would adversely affect the landscape character of an area will not normally be allowed. Whilst the wording of this Policy makes reference to "*landscape*", paragraph 5.13

explains that the inherent character of the urban landscape is equally important to the rural landscape.

31. Local Plan Policy DS13 explains that all development must reflect the need to safeguard and improve the quality of life of residents by protecting the essential character of the environmental assets of the area. Policy S7 explains that proposals involving the development of new dwellings will be considered favourably providing that they meet stated criteria. The criteria include the requirements that the proposal does not lead to development at a density inappropriate for the site and that the form and layout of the development is appropriate to the area.
32. The housing along that side of Park Road, of which the site forms a part, is varied in terms of design, age, appearance, height, building line, plot size, space around and between dwellings and enclosure. The design of the proposal seeks to create an appearance that reflects that of nearby dwellings and would create an impression of four individual dwellings. Clearly these four components would be linked to create one building. The breaking down of the overall mass would be achieved by the clever use of varying eaves and ridge heights, the shape of the building which would result in areas of shadow and light along its frontage, differences in the appearance of various parts of the building and the use of differing materials. Whilst the overall width of the building is significantly greater than any other dwelling along that part of Park Road between Worcester Road and Oldfields I am satisfied that by using the design techniques referred to above the mass and bulk of the proposal would be broken down and made acceptable. I was informed that the "Park Road Street Scene"<sup>12</sup> accurately represented what the building would look like when viewed from Park Road (a matter that was not contested) and the retained trees and other vegetation reinforce the architectural aim of creating an impression of individual buildings.
33. The Council agreed that the west elevation of the proposal would be unobtrusive when viewed from Park Road and I agree with that assessment. There would be views of part of the east elevation from Park Road. These views would mainly include parts of the roofscape. I consider that this would indicate that the building was of substantial depth (protruding to the rear to a far greater extent than other nearby dwellings in Park Road) but on balance I am satisfied that the impact of this would be reduced by existing intervening vegetation. Further still, those views would be limited and those parts of the building which would be seen would be at a substantial distance from Park Road itself.
34. I agree with the appellants that there have been changes in the nearby area involving the construction of large buildings fronting on to Worcester Road including St. Saviour's Court (a sheltered housing complex). These buildings were approved by the Council. St. Saviour's Court replaced three individual dwellings. That building, like the one before me, was designed so as to break up its mass. There was no suggestion from the Council that St. Saviour's Court or the other adjacent new development had caused material harm to the character or appearance of the area. In my assessment these buildings fit in well with their surroundings.
35. Concerns have been raised about the height of the building. Again the proposal has been designed so that those parts of the building closest to existing dwellings at Nos. 23 and 29A

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<sup>12</sup> Drawing No. 0435-P04

have eaves heights lower than these properties. Further, the ridge height of that part of the building closest to No. 29A is lower than No. 29A.

36. Whilst the ridge height of that part of the building closest to No. 23 would be higher than No. 23 the difference in height is not so significant that any material harm would result from it. In any event the difference in height would not be perceived from Park Road as it would be largely screened by the trees and vegetation that are to be retained.
37. The middle section of the building is three storeys in height. I note that there are existing dwellings in Park Road that have rooms within a third floor, albeit within the roof-space. The proposed building would be cut into the site so as to reduce its visual impact on the surrounding area. That part of the building which would contain the third storey would be a considerable distance from the two-storey dwellings at Nos. 23 and 29A. The increase in height from two to three storeys within the building itself would be achieved through the use of clever architectural techniques and would be unobtrusive. Accordingly, the part of the building which would be three-storeys in height would not appear out of place in this area.
38. I have noted that there is no discernible common building-line along this part of Park Road. The proposal's architect has sought to site the building in such a way that it would sit happily next to the adjoining dwellings at Nos. 23 and 29A and I consider that he has achieved that aim.
39. There is no valid criticism of the resulting plot size. The amalgamation of plots to provide larger buildings is a common feature in many built up areas, including Hagley. The size of the plot is not discernible from any particular public vantage point. There is no criticism as to the amount of outdoor amenity space that would be available for the occupiers of the units. There is no consistency as to the amount of space between dwellings along this part of Park Road which creates local distinctiveness. I am satisfied that there would be sufficient space between the proposed building and the existing so as to maintain the spacious feel which currently exists along much of Park Road.
40. I therefore conclude that the proposed mass, bulk and height of the building would not materially harm the character or appearance of the area.

Other concerns on this issue raised by interested parties

41. I note the concerns regarding that the density of the proposal which would be significantly higher than that found in the surrounding area. It is inevitable, due to the size of the units found in sheltered housing schemes, that high densities will result from them. Whilst the density is well in excess of Government guidance in PPG 3 and its emerging replacement I do not consider that to be a reason why consent should be withheld. What is important is the impact of the building on the site and its surroundings. I have concluded above that no material harm would result from the proposal.
42. There would be changes to the frontage of the site resulting from the removal of some trees, hedging and other vegetation. However, a considerable amount of the existing landscaping would be retained and further new landscaping (including hedges) would be introduced. I have explained above that the protected trees would be retained including the one along the frontage.

43. Concerns were raised that the proposed car parking at the front of the building would dominate the street scene. First of all, the parking of cars at the front of dwellings in Park Road is not unusual. As explained above it is intended to retain a considerable amount of landscaping to the front of the site to ensure that the car parking areas would be adequately landscaped. Where landscaping does not currently exist the Council could ensure that it was planted pursuant to a planning condition. In this way I am satisfied that the parking of vehicles would not dominate the visual impression of the site in this part of Park Road.
44. I also visited the new two and three-storey development referred to as Monument Court. I accept that this currently has a stark appearance. However, there are many differences between that development and this proposal including the lack of established landscaping on that site and its close proximity to the main road. I do not consider that development to have any significance in the determination of this appeal.
45. Concerns were raised that the proposal would result in the loss of the existing houses. However, there is no policy objection to this and such changes are bound to occur if the Government's aim of developing previously developed land at higher densities is to be achieved.
46. I also note the concerns raised about the use of half hipped roofs and half timbering within the proposal's design. These matters do not dominate the overall visual impression of the building and would not result in any material harm.
47. Finally, I note that gates at the proposed vehicular access point are proposed. I saw similar gated developments in Worcester Road and Middlefield Lane. I do not share the concerns raised that these are out of character with the area.

### Issue Three

48. I have referred to Policy S7 above. This Policy explains that proposals involving development of new dwellings will be considered favourably providing that they meet stated criteria. The criteria include the requirement that the proposal would not adversely affect the existing amenities of adjoining occupiers. The Design SPG explains that as a general guide new development with main windows overlooking existing private space should be set back by a distance of 5m per floor from the site boundary where it adjoins a private garden area<sup>13</sup>.
49. In closing the Council confirmed that their only concern related to the impact of the proposal on the occupiers of No. 29A from overlooking from some of the windows in the rear projecting wing of the proposed building. The Council accepted that the positioning of the proposal would ensure that these windows were in compliance with the separation distances set out in the Design SPG.
50. The rear projection of the proposed building would result in windows facing the rear garden at No. 29A for a considerable amount of its depth. I know that the occupiers of No. 29A have enjoyed a rear garden that is largely free from overlooking from adjoining properties. The scheme's architect was of the view that a boundary fence could be erected along the site's boundary with No. 29A which would screen 29A's garden from the vast majority of windows facing it. I am satisfied that the erection of an appropriate boundary fence would

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<sup>13</sup> Paragraph 8.5 of Document 6



restrict overlooking from the windows facing the rear garden with the exception of those on the upper floor. By doing this about six windows serving habitable rooms would directly face the rear garden at No. 29A. This evidence was not challenged.

51. I note that these windows would be a considerable distance from the boundary with No. 29A (over 20m). In addition to this, there would be opportunities, through the approval of a landscaping scheme, to ensure that new planting was carried out that would supplement the existing vegetation growing near this boundary. I am satisfied that an effective screen could be planted which, in time, would further reduce any actual or perceived levels of overlooking. I know that it would take several years for this screen to become fully effective but I am satisfied that in the intervening years no significant overlooking problems would arise.
52. I am satisfied that there would be very limited visibility between windows in the proposed building and existing windows at 29A and where this did occur it would, due to the distance involved and the oblique angle of view, not cause any significant problems.
53. I therefore conclude, for the reasons explained above, that the proposal would not significantly harm the living conditions of the occupiers of 29A Park Road.

*Other concerns relating to living conditions raised by interested parties*

54. The occupier of 6 Rooks Meadow is also concerned about loss of privacy and loss of light. Dealing first of all with privacy, it is clear that the rear facing windows at No. 6 would face new windows within the proposed building. I am satisfied that there is adequate screening and fencing to eliminate all problems relating to ground floor windows and that the impact of overlooking from the first floor windows would be limited. Where there would be intervisibility between windows in the new building and the existing windows and the garden at No. 6 I am satisfied that the separation distance would be sufficient to ensure that no unacceptable loss of privacy would arise.
55. Moving on to loss of light, I have had regard to the siting of the proposed building, its physical relationship to 6 Rooks Meadow, the intervening trees/vegetation, the difference in levels between the two sites and the movement of the sun through the sky. There would be no significant overshadowing of the garden at No. 6 or loss of daylight or sunlight to the windows at that property.
56. The occupiers of No. 29A are also concerned about overshadowing of their garden. Again, I have had regard to all of the matters referred to above. I have no doubt that there would be some additional over-shadowing of the garden but I do not consider that the impact would be so significant that planning permission should be withheld on that basis.
57. The proposed parking spaces are some distance away from No. 23. Those closest to No. 29A would be near the front garden of that property where existing levels of privacy are limited due to the open nature of the garden to the adjoining highway. Consequently, I do not consider that visitors to, or those providing services for, the residents of the units would result in any serious loss of privacy for the occupiers of Nos. 23 or 29A.
58. I also viewed the site from the rear gardens at 7 & 8 Rooks Meadow and I have also had regard to the impact of the proposal on Nos. 9 & 10. I know that the occupiers of these properties would be able to see the proposal from their gardens. This would clearly change

their outlook from one which is mainly verdant to a mixture of built development and greenery. However, I am satisfied that the building would be sited a sufficient distance from their gardens to ensure that no serious harm would arise. I do not consider that any significant loss of privacy for the occupiers of any of these properties would arise due to the considerable distance between the windows in the proposed building and the aforementioned gardens.

### **Conclusions on the Main Issues**

59. I have explained that I do not consider that the proposal would result in any material harm to the character or appearance of the area and neither would it harm the living conditions of nearby occupiers. However, the decisive issue is that dealt with under issue one above. For the reasons given and having regard to all other matters raised, I conclude that the appeal should not succeed.

### **Other Matters Raised by Interested Parties**

#### ***Traffic***

60. There is a significant amount of traffic using Park Road and resulting congestion especially at the beginning and end of the school day. Park Road also provides a link between the major traffic island and the centre of Hagley. Traffic calming has been introduced with a view to deterring through traffic and keeping speeds low. When there are events at the schools in Park Road or burial services at the nearby cemetery the road is again subject to large amounts of traffic using it with resulting congestion.
61. When parents' cars are parked (when bringing or collecting their children) it is difficult for larger vehicles (buses, coaches and lorries) to pass cars and other vehicles travelling in the opposite direction. I saw that this sometimes results in vehicles mounting the footway so as to be able to progress along Park Road. I also noted from various posters and other information provided that the schools were trying to encourage walking as a means for children to get to and from the schools.
62. From the information provided there is no evidence that the proposed use of the sheltered housing units would result in significant traffic movements. Many of the residents of sheltered housing do not have cars. Further, the peak use of the site by cars would not coincide with the school drop off or pick up times. Further still, those residents who might be using cars at those times would have the benefit of an access with a satisfactory visibility splay so as to be able to see both vehicular and pedestrians using this part of Park Road. A concern was raised that the visibility splay fell within land which was outside the control of the appellants. I am satisfied from the information obtained that the land required for the visibility splay would be either within the appellants' control or already form part of the highway.
63. There would be highway benefits arising from the proposal by virtue of a reduction in the number of crossovers. These existing access points suffer from substandard visibility. There is no objection to the proposal from the Highway Authority. They are primarily responsible for ensuring that new development would not result in highway safety problems or unacceptable increases in congestion. The proposal would not make any significant difference to the highway conditions in Park Road and certainly would not lead to a reduction in highway safety or increased congestion.

64. I am aware that it is proposed to increase the number of children attending the schools in Park Road and Hagley generally and that specific problems have arisen due to the removal by the local education authority of free bus travel for some children. No doubt this would further increase the number of vehicles using Park Road at the beginning and end of the school day. However, there is no evidence that this would materially alter the existing situation. Accordingly, this does not change my assessment of the impact of the proposal on highway safety. Finally, the evidence regarding personal injury accidents in Park Road does not suggest that the high levels of traffic using it and the resulting congestion has resulted in Park Road becoming dangerous.

Air quality

65. I am aware of the anecdotal evidence regarding air quality along Park Road and the impact that this has on the health of children attending the schools. I have no objective evidence to conclude that the proposal would make any significant change to the existing levels of pollution.

Parking

66. It is proposed to provide about 23 car parking spaces to serve the proposal. There is no evidence that this would be insufficient to meet the working requirements of this sheltered housing development. I noted that similar proportions of car parking spaces to units had been provided at the St. Saviour's Court development. There was no evidence that this level of on-site car parking had resulted in on-street parking or other highway safety issues.
67. It was suggested that the proposal would result in loss of parking outside the site. At the times of my visits there was no parking on the highway in front of the site and there was no evidence that parking outside the site was usual. The vast majority of on-street parking occurred on the opposite side of the road to the site and would not be affected by the proposal.

Infrastructure

68. I am concerned that Dr. Heywood on behalf of Hagley Surgery has written<sup>14</sup> and expressed the concern that any further increase in the concentration of elderly residents would compromise the medical care of both existing and potential residents and that there is no way to expand existing capacity. The appellants have pointed out that the Primary Care Trust has not objected to the proposal or sought a financial contribution to assist with increased demands that would result from the proposal. I also note that having a number of patients living in the same building all of a similar age could result in some efficiencies compared with doctors having to travel to a number of houses. I do not consider that I have sufficient information on which to make a firm conclusion on this issue. Further, it was suggested that the dental services in Hagley would not be able to cope. However, there is no reliable evidence that this is the case.

Bus Services

69. I am aware of the bus services which pass close to the site<sup>15</sup>. There was no suggestion from the Council that the site was not sustainable in terms of provision of public transport. I note

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<sup>14</sup> Document 27

<sup>15</sup> Document 16

that not all of these services go through Bromsgrove but they all go to other major settlements which provide shops and other services that would be useful to persons living within the proposed development.

Hagley Parish Plan 2005<sup>16</sup>

70. I am aware that this document reflects the views of households within Hagley Parish. 85% of the respondents indicated that they did not want or need any further development and that there should be no further apartment flats. Whilst this is the view of those households it does not accord with the policies of the development plan, it has not been endorsed by the Council and as such I consider that little weight should be given to that part of the Parish Plan.

**Conclusions on Other Matters Raised**

71. Whilst I have found that these other matters do not weigh against the proposal they are insufficient to change the conclusions which I reached regarding the main issues referred to above.

**Formal Decision**

72. I dismiss the appeal.

*Timothy S. A. Belcher*

INSPECTOR

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<sup>16</sup> Document 18.