

Windyridge Property Investments Ltd.	Proposed 5 no. 3 bed houses and 4 no. 2 bed flats with associated landscaping and infrastructure. Land to The Rear Vicarage Road/Ebrington Road/Arlington Road West Bromwich
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Date Valid Application Received 19 February 2019

1. Recommendations

Approval is recommended subject to the following conditions: -

- i) Levels;
- ii) Site investigation and remediation;
- iii) Installation of sprinkler systems in all dwellings;
- iv) Provision and retention of parking spaces including parking for 129a Vicarage Road;
- v) Approval of bin storage and bin management;
- vi) Submission of details relating to additional evergreen conifer planting along the boundaries of the site and implementation of all landscaping;
- vii) Drainage including SuDs;
- viii) Approval of boundary treatment;
- ix) Full details of arrangements for refuse collection;
- x) Approval of external lighting;
- xi) Satisfactory surfacing of all hard surfaces;
- xii) Secure cycle parking provision;
- xiii) Restrictions on construction work and delivery times to avoid school drop off and pick up times;
- xiv) Removal of permitted development rights for extensions, roof alterations/enlargements and outbuildings;
- xv) Details of secure gated access; and
- xvi) Installation of vehicle charging points;

2. Observations

At your last meeting Committee resolved to visit the site.

Site Surrounding

The application refers to vacant land (0.17 hectares approx.) that is bounded by the rear gardens of houses fronting Arlington Road, Ebrington Road and Vicarage Road. The application site is irregular in shape and has a gentle slope running approximately from north to south. Natural vegetation has established itself in recent years, although the site was cleared in October 2018. For many years there was a tennis court on the site. The site has suffered from unauthorised dumping of green and household waste. Access to the site is gained via two narrow access ways leading off Ebrington Road and Arlington Road. I am advised that neighbouring residents have a legal right to use the drive ways for access to the rear gardens.

Planning History

This is the ninth application submitted since July 2011 for the residential redevelopment of the application site. The most recent approval was for 3 dwellings in a flatted arrangement on the half of the site (DC/18/61609). The planning history is as follows: -

DC/18/61609	Proposed 3 No. dwellings (outline application for access).	Approved 12/6/18
DC/17/61238:	Outline application for 5 no. Dwelling (access only) (half of the site)	Approved 25/1/18
DC/16/60101:	Outline application for 4 no. Houses (access only)	Approved 15/3/17
DC/16/60100:	Outline application for 5 no. Houses (access only)	Approved 15/3/17
DC/16/59164:	Reserved Matters for 4 no. Bungalows (appearance, Layout, scale & landscaping)	Approved 16/4/16
DC/12/55465:	Outline application for 4 no. Bungalows (revision to DC/12/54875)	Approved 27/3/13

DC/12/54875:	Outline application for 3 no. Bungalows	Approved 31/10/12
DC/11/53351:	Outline application for 2 no. Bungalow	Refused 22/07/11 Allowed on appeal 27/06/12

I can advise your Committee that when DC/11/53351 was refused by Planning Committee, contrary to officer recommendation, it was allowed on appeal and the applicant was awarded cost of £4,390. Both the appeal decision and costs decision are attached to this report.

Current Proposals

This is a full planning application for nine dwellings comprising of five, three-bed houses and four, two-bed flats. The main differences between this application and previously approved submissions is that the originally divided site has now been submitted as one larger proposal site and that there would be a new vehicular access drive off Vicarage Road, added to the access drives off Arlington Road and Ebrington Road that were previously approved.

The five, two-storey houses would be located on the east side of the site and each dwelling would have private garden space with two parking spaces per dwelling. The four, two-storey flats would be located on the west side of the site in one block. One parking space would be provided per dwelling with an additional visitor space. Construction would be in brick and the design would be traditional.

The proposed access drive, off Vicarage Road would be formed between 129a and 131 Vicarage Road, utilising part of the front and rear gardens of 129a Vicarage Road. At its widest point (entrance to Vicarage Road) it would be 4.8m wide narrowing to 3.1m as it extends into the site. There would be sufficient room at the front of the drive for two vehicles to pass. Two parking spaces would be provided within the remaining front garden of 129a Vicarage Road to serve this dwelling.

A design and access statement, planning statement, coal mining risk assessment, and transport statement have been submitted with the application.

A landscaping scheme has also been submitted with the application identifying hedging as well as heavy standard Leylandii trees positioned along part of the boundaries.

In support of the application the applicant advises that this is an improvement over the previously consented schemes in terms of proposed access arrangements. In summary, the access would comprise a shared private driveway 4.8m wide at the junction with Vicarage Road then reducing to 3.1m in accordance with Sandwell Highway design standards. No separate pedestrian footpath is proposed along the accessway. The design has been prepared and agreed at pre-application stage.

Publicity

The application has been publicised by neighbour notification. I have received 16 objection letters one of which has been submitted by Councillors Sue Phillips, Liz Giles and Liam Preece. A 107 signature petition has also been submitted. The grounds of objection are summarised as follows: -

- (i) Loss of light and privacy.
- (ii) Vicarage Road is already too busy to accommodate another access point and that the transport statement does not reflect the hazards and issues present already on Vicarage Road.
- (iii) Likelihood of cars blocking drive ways.
- (iv) Access problems.
- (v) Problems for emergency access vehicles and that sprinkler systems may not be sufficient.
- (vi) One resident considers that the new drive width has been inaccurately measured suggesting that the 3.1m width is between 2.78m and 2.85m, narrower than shown on the plan and that the drive was never intended to serve anything other than 129 and 129A Vicarage Road.
- (vii) Devaluation of house prices.
- (viii) Impact on wildlife and loss of trees.
- (ix) The houses are out of character with the area and constitute over-development of the site.

- (x) The development would increase traffic movements on roads already congested with on-street parking and close to a school, with concerns about the safety of children;
- (xi) Concern about refuse collections.
- (xii) Concern about construction traffic/disruption.
- (xiii) Secluded dwellings may lead to an increase in crime and other anti-social behaviour.

A supporting letter has also been received advising that the site has been untidy for a long time, attracting anti-social behaviour and rubbish and that the proposed housing would ensure significant environmental improvement.

Consultation Responses

West Midlands Fire Service raised no objections to all previous applications subject to the installation of sprinkler systems in each dwelling because the access drives are too narrow for a fire engine to pass through.

West Midlands Ambulance Service did not respond to the previous application and were therefore not consulted on this application. However, upon determination of earlier applications the Ambulance Service confirmed that they had no objections regarding accessibility to the site.

Highways has no objections.

Environmental Health (Contaminated Land Team) recommend desk top site investigations and remediation measures where appropriate. The Air Quality Team recommend the installation of electric vehicle changing points

From a policy perspective the principle of residential development on this site has been accepted with previous approvals and therefore the site accords to Policy SAD H2 (Windfalls). Policy ENV5 (Sustainable drainage) is relevant and the site also falls within an area of potential archaeological importance. These issues can be controlled by condition. The proposal is liable to the Community Infrastructure Levy (CIL).

Responses to Objections

In response to the individual points raised I comment as follows: -

- (i) Spatially the proposed development would not compromise nearby residential amenity because the separation distances between the proposed dwellings and existing properties exceed the minimum standards set out in the Residential Design Guide of 14m between primary and secondary elevations and 21m between primary elevations. In this case the minimum distance between all elevations is 21m. Furthermore, it is suggested that additional evergreen trees are planted along the boundaries.
- (ii) Head of Highways has no objections following the introduction of a third access point off Vicarage Road.
- (iii) Refer to point (ii) above.
- (iv) Refer to point (ii) above.
- (v) West Midlands Fire Service and West Midlands Ambulance Service have no objections.
- (vi) The measurements identified by the objector were put forward to the applicant who has submitted an amended plan showing a pinch point of 2.76m but in the main the access way would achieve a minimum width of 3.1m.
- (vii) Devaluation of house prices is not a material planning consideration.
- (viii) There is no doubt that while the site has been unused, vegetation has naturally grown along with an increase in wildlife, but the loss of this can be compensated for by new landscape planting. Furthermore, the existing trees on the site are unprotected.
- (ix) The proposals accord to the Council's adopted residential design guide in terms of living standards, spatial separation, amenity space and parking standards. Also, it is considered that the two-storey development would be in-keeping with surrounding property. The design of the development is of a traditional design that will be seen in isolation rather than in context to the adjoining street scene.
- (x) Refer to point (ii) above.
- (xi) Refuse storage arrangements can be controlled by planning condition. However, the applicant has advised that refuse collection would be undertaken by a private contractor.
- (xii) Construction hours/deliveries can be controlled by planning condition. Deliveries can be restricted to avoid school drop off/pick up times.
- (xiii) The development of the site may address existing anti-social behaviour as mentioned by the supporter of this proposal. It could be argued that the development of additional housing would aid surveillance of the area.

Determining Issues, Planning Policy and Other Material Considerations

The issues to be considered with this application are whether the proposal for 9 dwellings is acceptable and whether the additional access drive is acceptable.

With reference to the latter point, it has already been established that the site could accommodate 9 dwellings, agreed in previous planning application submissions. The suitability of the site for residential development has also been accepted by an appointed Planning Inspector, originally for 2 dwellings but where the Inspector concluded that the site could accommodate more than the originally approved two dwellings without harm. I am satisfied that the design of the dwellings is acceptable, and that the development would not cause undue harm to neighbouring residential property from loss of light, privacy or outlook.

With reference to access, under previous consents access arrangements were unsatisfactory from a Highway Safety view point but significant weight had to be attached to the views of the appointed Planning Inspector who deemed the two narrow access arrangements to be acceptable. However, with this fresh planning application pre-application discussions with Highways have taken place to provide a third, and in part wider, access drive which, used alongside the access points off Ebrington Road and Arlington Road, render the proposed access arrangements acceptable. Upon consideration of the appeal in 2011 The Inspector states "*Even if the scheme did result in more than four properties using either drive, personal safety would not be put at undue risk*". A copy of the appeal decision is attached to this report.

Conclusion

The principle of residential development has already been accepted for nine dwellings on this site through a long and complicated planning history of an appeal decision and subsequent planning applications. The new access arrangements overcome earlier highway concerns. The redevelopment of the site is therefore supported.

3. Central Government Guidance

National Planning Policy Framework promotes sustainable development.

4. Development Plan Policy

BCCS - CSP4 - Place-Making

BCCS - ENV1 - Nature Conservation

BCCS - ENV3 - Design Quality

SAD H2 – Housing Windfalls

SAD HE5 – Archaeology and Development Proposals

5. Contact Officer

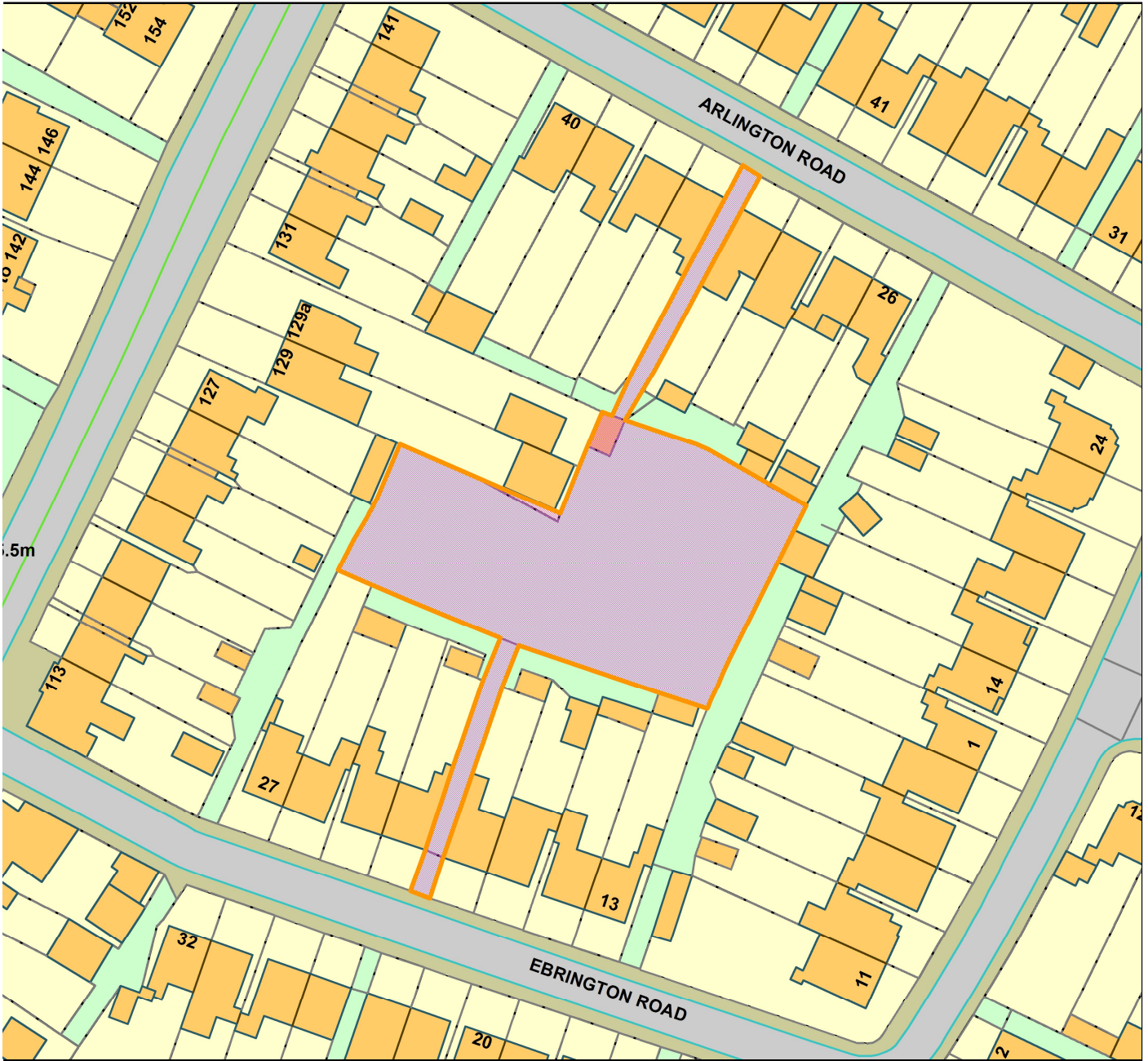
Mrs Christine Phillips

0121 569 4040

christine_phillips@sandwell.gov.uk

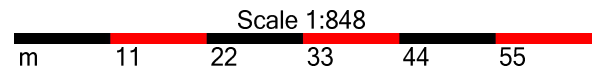
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Land to the rear of Vicarage Road/Ebrington Road



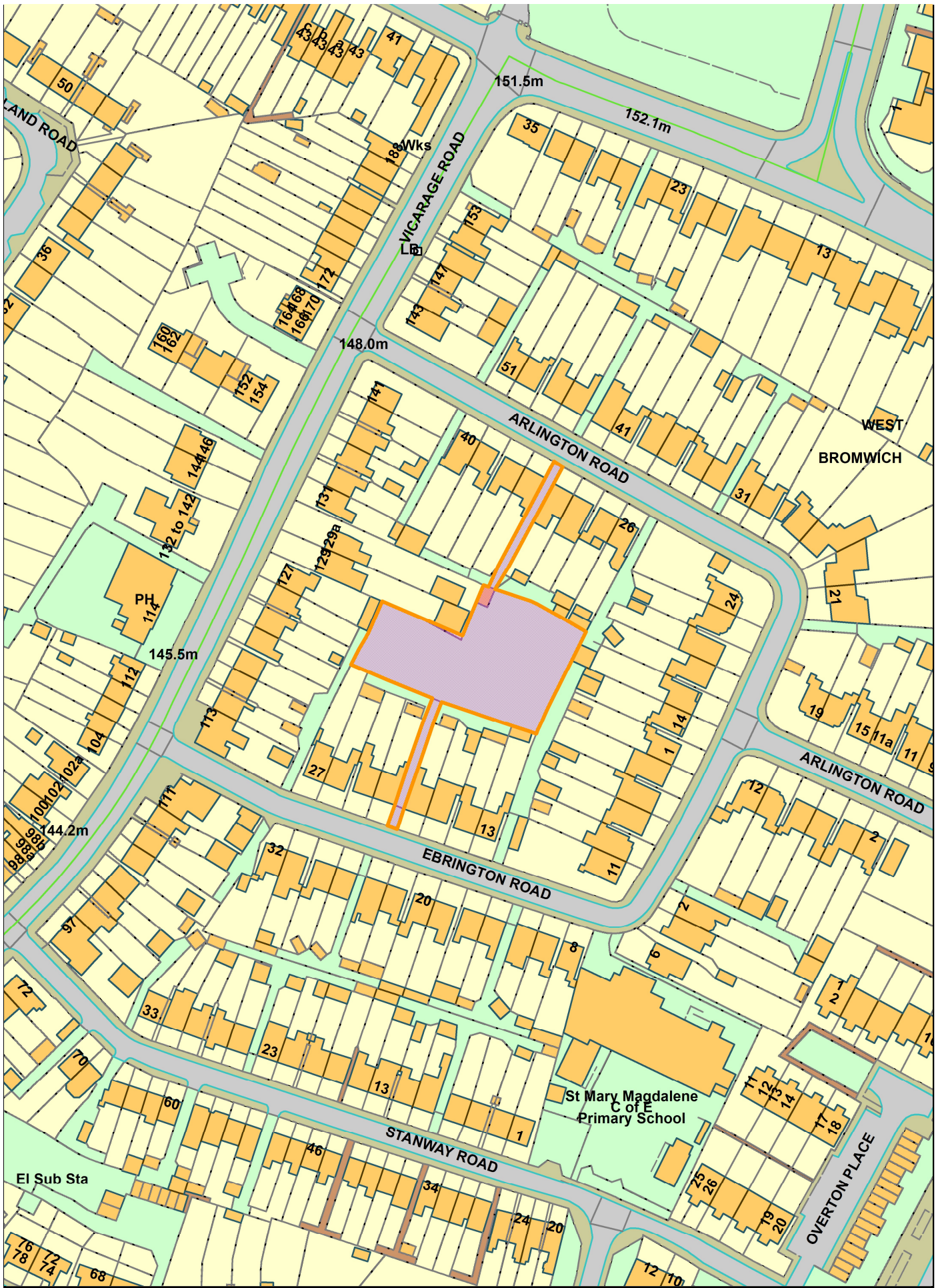
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Comments	Not Set
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Appeal Decision

Site visit made on 28 May 2012

by **Stuart Hall BA(Hons) DipTP FRTPI MCIHT**

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

Decision date: 27 June 2012

Appeal Ref: APP/G4620/A/11/2165538

Land to the rear of Arlington/Ebrington Road, West Bromwich, West Midlands B71 1AD

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
 - The appeal is made by Dr Beatrice Anderson against the decision of Sandwell Metropolitan Borough Council.
 - The application Ref DC/11/53351, dated 9 May 2011, was refused by notice dated 22 July 2011.
 - The development proposed is the erection of 2 No. single storey dwellings.
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Application for Costs

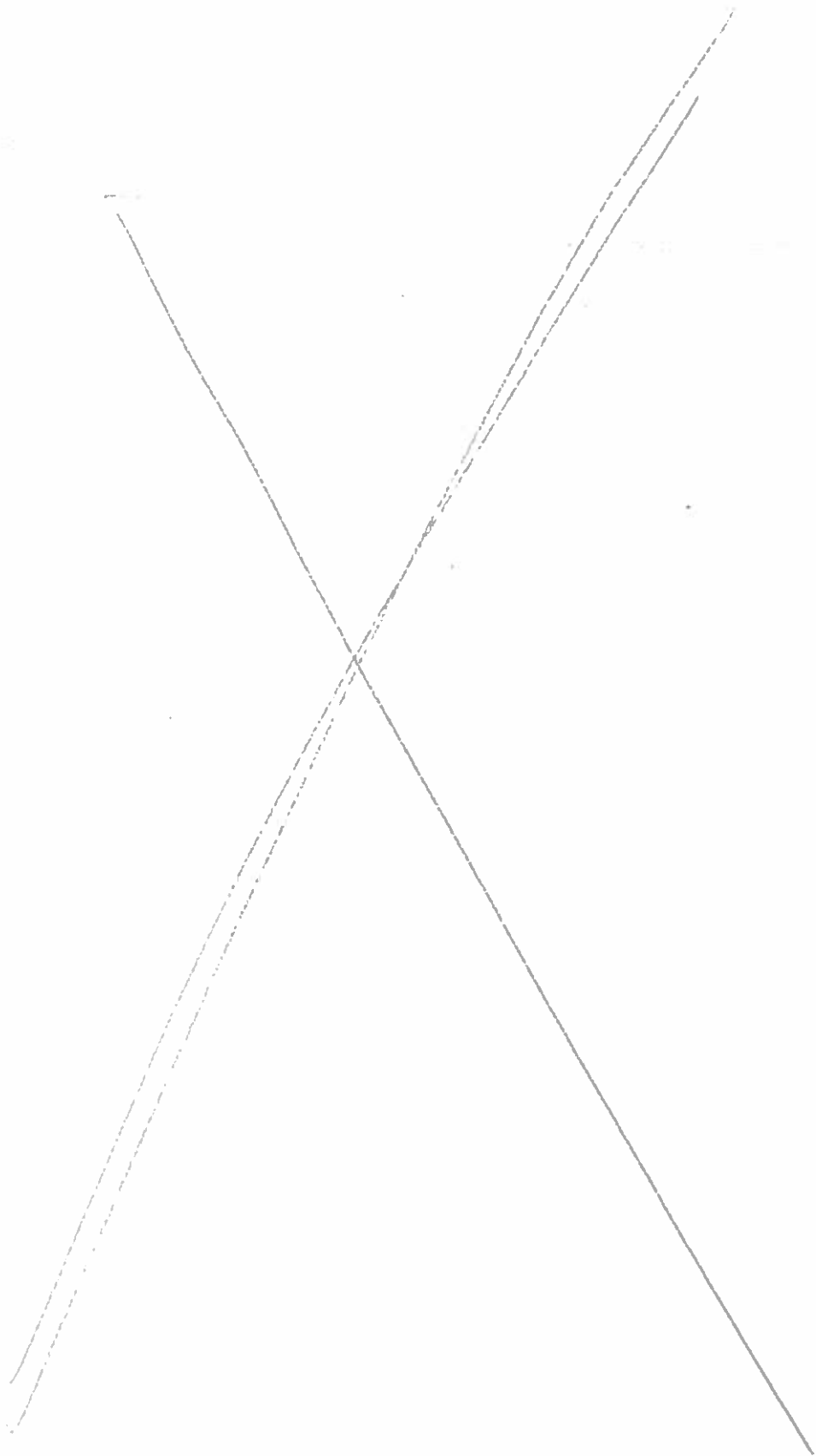
1. An application for costs was made by the appellant against the Council. This application is the subject of a separate decision.

Decision

2. The appeal is allowed and planning permission is granted for the erection of 2 No. single storey dwellings at land to the rear of Arlington/Ebrington Road, West Bromwich, West Midlands B71 1AD in accordance with the terms of the application, Ref DC/11/53351, dated 9 May 2011, subject to the conditions in the Schedule attached to this decision.

Points of Clarification

3. At the site visit, a resident pointed out that the site boundary shown on submitted plans is at variance with the actual ownership boundary on a short length to the rear of 32 Arlington Road. Account is taken of this discrepancy, which is not material to the decision. Submissions include reference to the potential numbers of pedestrian visitors to a communal garden on the application site, notated on superseded plan 001 revision A as a wetland area for enhanced ecology and on replacement plan 001 revision B as a naturalistic garden. Notwithstanding those notations, the appeal application seeks permission for dwellings only, and landscaping remains reserved for the Council's later consideration. Therefore, those submissions do not bear directly on matters for determination in this appeal.
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Main Issues

4. The outline application includes matters of access and scale for determination at this stage. The Council does not raise objection to the principle of residential development of the appeal site, or to the scale of the proposal. Having regard to the Council's reasons for refusal and to the views of local residents, there are two main issues in this appeal. These are the effects of the proposed use of existing private access drives on the personal safety of users of the accesses, and its effects on the interests of highway safety.

Reasons

5. The appeal site, surrounded by dwellings and their rear gardens, is at the centre of a roughly rectangular block of suburban residential development bounded to the west by Vicarage Road and on its other sides by Arlington Road and Ebrington Road. Anecdotal evidence is that it once contained lock-up garages and, until more recently, a number of mature trees. There are no significant trees now, and the site is now overgrown with nettles, brambles and similar vegetation. The site can be accessed from opposite directions via two narrow private drives, one from Arlington Road and one from Ebrington Road, each of which appears to enable access to the rears of up to eight dwellings. Whilst details of layout are not for determination now, submitted plans indicate that each proposed dwelling would have access to both drives. Details of access are considered on that basis.

Personal safety of access users

6. There are two aspects to this issue. The first, and primary concern of the Council, is the site's practical accessibility to emergency services. It is common ground that the private drives off Arlington Road and Ebrington Road are respectively some 39 metres (m) and 37 m long, are no more than 2.9 m and 2.73 m wide, and have minimum pinch point widths of 2.47 m and 2.34 m, the latter measurements having been checked at the site visit. Both drives are too narrow to permit access by a fire appliance. However, *Manual for Streets* explains that a layout with otherwise inadequate access could be acceptable if buildings are equipped with sprinkler systems. The West Midlands Fire Service confirms that such systems would enable compliance with its standards, and a planning condition could require their installation.
7. Whilst it is not disputed that the drives and their openings to the highway are sufficiently wide to enable an ambulance to reach the site, each drive would be difficult to negotiate. Therefore, progress would be correspondingly slow. However, there is no evidence to suggest that the location is on the edge of the catchment of the nearest ambulance base. Accordingly, there is no reason to suppose that normally it would take longer for an ambulance to reach the proposed dwellings than is deemed an acceptable response time with regard to other dwellings served by that base. Another vehicle negotiating a drive could cause a brief obstruction. However, 11 of the dwellings with potential rear access have off-street frontage parking. Only three, all on Arlington Road, appear to make significant use of their drive. I conclude that the risk of obstruction is slight.
8. The second aspect concerns the safety of pedestrians, taking into account that Nos 32 and 34 Arlington Road have pedestrian access immediately to the rear

of their dwellings from the drive running between them. Whilst the drives are wide enough for cars, they are also narrow enough to require drivers to be cautious irrespective of the presence of people on foot. Visibility along the drives is unhindered, and both vehicle and pedestrian movements are likely to be infrequent. The risk of personal injury is slight, less than if all potential rear accesses were in use.

9. The drives have less width than the 3 m sought by the Council. Even so, though this is a commonly adopted yardstick, the justification for requiring 3 m at this site is unclear in the absence of a locally adopted policy explanation. It would not enable two vehicles to pass. Implications for emergency services are addressed above. A 3 m width would allow a car driver to pass a pedestrian, but the inability to do so would be an infrequent and minor inconvenience. The case for rigorous application of the standard is not compelling.
10. More than four properties sharing a private drive would be contrary to advice, albeit lacking reasoning, adopted in 2004 in *Residential Design*, the Council's Supplementary Planning Guidance. However, more recent guidance in *Manual for Streets* does not refer to private drive standards. Further, at Arlington Road one sprig appears to be little used, and is partially gated. The other, also gated, is used by three of the four properties it adjoins. At Ebrington Road, both sprigs are overgrown and the drive, gated close to the highway, appears to be largely disused. This relative lack of use is borne out by surveys submitted on behalf of the appellant. It seems unlikely that this will change, in view of the prevalence of frontage parking. Even if the scheme did result in more than four properties using either drive, personal safety would not be put at undue risk.

Highway safety

11. The block of dwellings around the site, and those facing across Arlington and Ebrington Roads, are designed so that almost all are potentially served by rear access drives. Whilst many occupiers may make little or no use of them, the large majority also have off-street frontage parking, which limits the need for residents to park on the highway. Except for short periods when the rear access to a primary school on Ebrington Road is used as a drop-off/pick-up point, it is unlikely that the two Roads are subject to serious congestion or abnormal risk to safety. Some 60 dwellings face the roads around the appeal site. Additional car movements would have no readily discernible effect on general traffic conditions in the area.
12. Delivery vehicles would probably not enter the site, but would have to wait in the highway. However, this applies to almost all the nearby dwellings. The much greater length of carry would cause longer waiting times, but their infrequency would not significantly increase the limited inconvenience, and possible risk, that occurs now. Whilst visibility at the exit onto Ebrington Road is restricted, the risk to highway safety is substantially mitigated by the likely low volume and slow speeds of passing vehicles. On-street parking has a greater adverse effect on visibility from many frontage parking areas, from several of which it is likely that cars are frequently reversed onto the highway. Reversing movements from the drives would be rare, as the low frequency of movements in them is unlikely to cause vehicle conflict. These points strongly suggest that increased activity arising from the scheme would not materially affect traffic conditions in close proximity to the access drives.

Conclusions on main issues

13. Bearing the above points in mind, and taking full account of the petition of objection signed by some 90% of local households, the substantive evidence does not support withholding permission on the grounds that the Council's normal yardsticks are not met. That evidence leads me to conclude that the scheme would not have a materially adverse effect on the personal safety of access users or on the wider interests of highway safety. Rather, it would achieve the acceptable level of accessibility and safety required by Policy TRAN2 of the recently adopted *Black Country Core Strategy*, and in this respect would similarly comply with the thrust of earlier saved development plan policies related to highway safety.

Other matters

14. Doubts as to whether the proposed development would prove to be financially viable are matters for the appellant and do not bear on the planning merits of the scheme. Refuse collection arrangements, whether with the Council or a private contractor, are likely to inconvenience future occupiers rather than other residents or the collection agency. Whilst some inconvenience and disturbance during construction works is likely, given that materials may well have to be unloaded from the highway, such adverse effects would be temporary and would not cause prolonged harm.
15. Concerns about security, should the gates across the Ebrington Road drive be removed, are acknowledged. However, residential occupation of the site would increase natural surveillance, and the site owner's right of access remains whether or not the appeal scheme is built. The limited permanent increased use of the drives is unlikely to cause undue disturbance to the fenced properties to each side. Whilst layout details are not for determination at this stage, illustrative plans demonstrate that a separation distance of some 40 m could be achieved between facing elevations of existing and new dwellings. This would ensure adequate privacy standards. The single storey scale of the proposed dwellings is acceptable in principle and would further help to safeguard the privacy of adjacent occupiers.

Overall conclusion

16. Full account is taken of the force and extent of opposition to the appeal scheme from those living closest to the site, as it is of local representations in favour of the re-development of this allegedly previously developed but now derelict land. However, the concerns expressed regarding personal and highway safety, though supported by the Council following the Committee's visit to the site, are not borne out by the balance of substantive evidence. My conclusions on the main issues, based on that evidence, outweigh the sum of all other matters raised. Whilst policies in the recently published *National Planning Policy Framework (NPPF)* have also been considered, in light of the facts in this case the NPPF does not alter those conclusions. It follows that the appeal should succeed.

Conditions

17. Regard is had to the conditions suggested by the Council in this event, in the light of advice in *Circular 11/95 The Use of Conditions in Planning Permissions*.

Though the Council lists "scale" among the matters to be reserved for future determination, approval to that aspect of the scheme is sought now and is granted by the terms of this decision. Details of external materials and landscaping relate to matters that are still reserved. Control over means of site enclosure will help to protect privacy, and provision of car parking prior to occupation will serve highway safety interests. A condition requiring installation of sprinkler systems in the dwellings is added, as proposed by the appellant. For the avoidance of doubt, and in the interests of the proper planning of the area, a further condition specifies the plans hereby approved.

Stuart Hall

INSPECTOR

Schedule of conditions

- 1) Details of the appearance, landscaping, and layout, (hereinafter called "the reserved matters") shall be submitted to and approved in writing by the local planning authority before any development begins and the development shall be carried out as approved.
- 2) Application for approval of the reserved matters shall be made to the local planning authority not later than three years from the date of this permission.
- 3) The development hereby permitted shall begin not later than two years from the date of approval of the last of the reserved matters to be approved.
- 4) The development hereby permitted shall be carried out in accordance with the following approved plans: drawing No 001 revision B so far as it relates to access, and drawing No 002 so far as it relates to scale.
- 5) Prior to the first occupation of each dwelling hereby permitted, that dwelling shall be fitted with a sprinkler system, details of which shall be first submitted to and approved in writing by the local planning authority.
- 6) Prior to the first occupation of any dwelling hereby permitted, all driveways, car parking areas and spaces for vehicles to turn so that they may leave the site in a forward gear shall be constructed in accordance with details which shall be first submitted to and approved in writing by the local planning authority.
- 7) Prior to the first occupation of any dwelling hereby permitted, all walls, fences and any other means of enclosure shall be erected in accordance with details which shall be first submitted to and approved in writing by the local planning authority.



Costs Decision

Site visit made on 28 May 2012

by **Stuart Hall BA(Hons) DipTP FRTPI MCIHT**

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

Decision date: 27 June 2012

**Costs application in relation to Appeal Ref: APP/G4620/A/11/2165538
Land to the rear of Arlington/Ebrington Road, West Bromwich, West
Midlands B71 1AD**

- The application is made under the Town and Country Planning Act 1990, sections 78, 322 and Schedule 6, and the Local Government Act 1972, section 250(5).
 - The application is made by Dr Beatrice Anderson for a full award of costs against Sandwell Metropolitan Borough Council.
 - The appeal was made against the refusal of outline planning permission for the erection of 2 No. single storey dwellings.
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Decision

1. The application for an award of costs is allowed in part in the terms set out below.

Reasons

2. Circular 03/2009 advises that, irrespective of the outcome of the appeal, costs may only be awarded against a party who has behaved unreasonably and thereby caused the party applying for costs to incur unnecessary or wasted expense in the appeal process.
 3. With reference to paragraph A3 of the Circular, the applicant was encouraged by pre-application discussions with some Council officers, and the Council's submission that no such discussions were held with those responsible for framing the recommendation is disputed. However, those discussions could not fetter the Council's decision or guarantee a favourable outcome. The fact that the decision was contrary to the pre-application advice is not in itself evidence of unreasonable behaviour. In relation to paragraph B29, nor is the submission that other schemes had been allowed with narrow accesses, as no two cases are identical and each stands to be determined on its individual merits.
 4. However, the first reason for refusal, that the scheme would involve more than four dwellings being served from private drives contrary to Supplementary Planning Guidance (SPG), is merely a statement of fact. It gives no indication of consequential harm. Whilst the SPG is a material consideration, it appears to offer no explanation as to why as a matter of principle no more than four dwellings should be permitted. It is also advisory, and lacks the status and commensurate weight of development plan policy.
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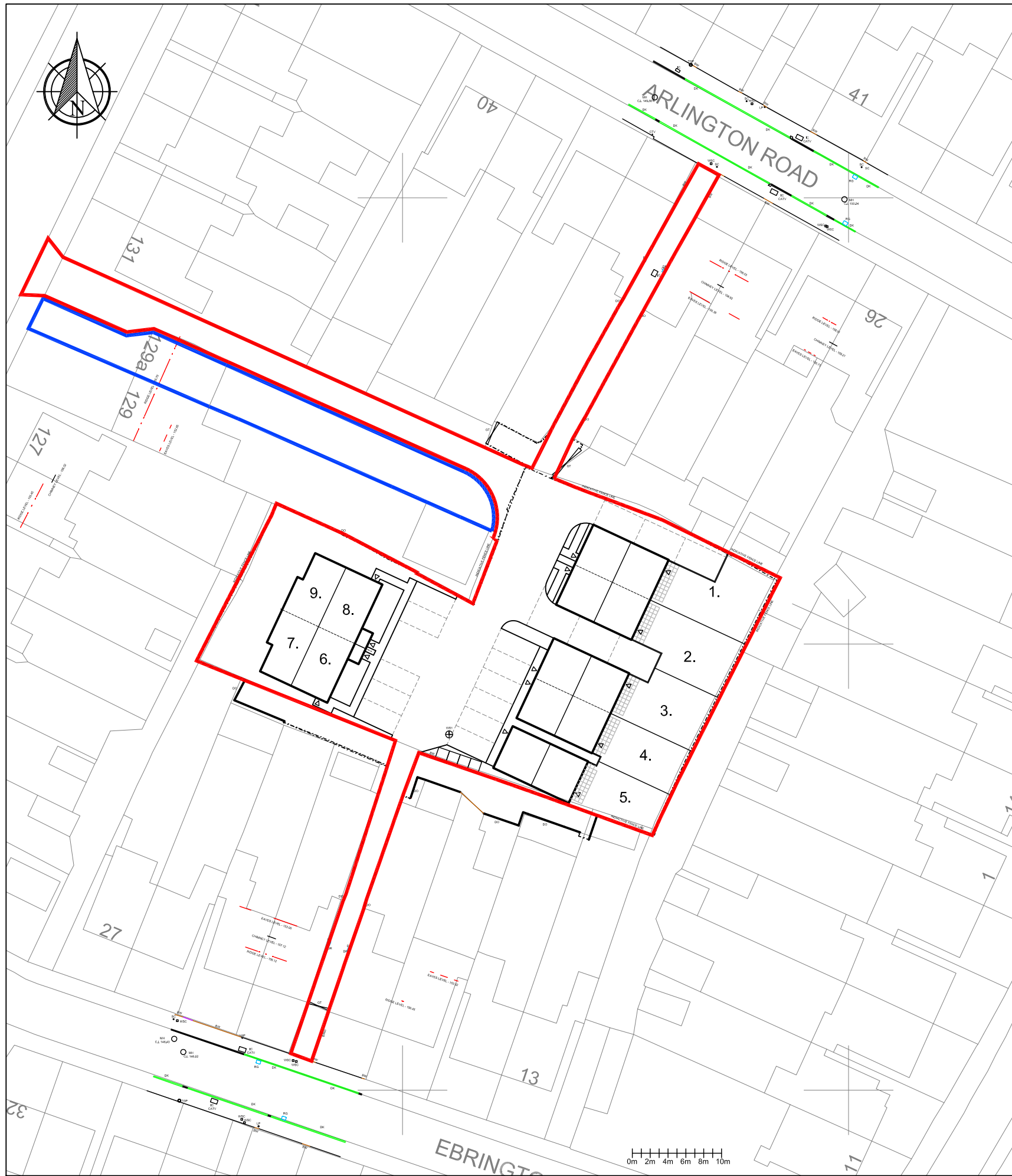
5. In the face of the applicant's detailed survey of existing movements on the drives, which the Officers' report does not mention, the reason for refusal does not explain why strict adherence to the guidance is imperative in this case. The Council provides no appeal evidence to justify that adherence, relying only on its statement that it is Council policy, notwithstanding its acknowledgement that the guidance has not been universally applied. With regard to paragraphs A3 and B16 of the Circular, I conclude that this first reason for refusal does not stand up to scrutiny, and is not substantiated by evidence. Therefore, I further conclude that in these respects the Council acted unreasonably.
6. With reference to paragraph A22, the failure to inform Councillors of proposed refuse collection arrangements does not bear directly on the reasons for refusal and, therefore, on the need to appeal. The same is true of reference to an access width standard that is not formally adopted but which is commonly applied. The absence of reference to sprinkler systems does not relate to the Council's main concern, evident in the officers' report and the second reason for refusal, that access for ambulances would not be safe and convenient. Whether these and other alleged omissions amount to maladministration is not for determination here.
7. In relation to the second reason for refusal, though there are inconsistencies in the officers' report it is not the case that information demonstrating that an ambulance could access the site was ignored. Rather, the report states that the narrow access would "clearly result in the ambulance having to travel at very slow speeds". That is a reasoned conclusion and is not in dispute. Councillors visited the site before making their decision. Whilst neither party appears to have consulted the relevant authority, the facts available entitled the Council to form the opinion that such access would not be sufficiently safe and convenient, and to determine the weight to be attached to this conclusion.
8. The safety of future occupiers can be a material planning consideration. Therefore, lack of reference to a specific development plan policy in this reason for refusal does not undermine that entitlement. The reasoned basis for the objection, and its meaning, are clear. The reason is also consistent with the thrust of concerns expressed by the Council's highways adviser. Whilst the Council's stance does not prevail in the appeal decision, there is a respectable basis for it. I conclude that in relation to the second reason for refusal the Council did not behave unreasonably.
9. There is no substantive evidence of undue delay in the appeal process as a consequence of the Council's actions, and delay itself does not necessarily result in additional cost. The Council's inaction, in not attending the appeal site visit first arranged for 17 April 2012, did cause the applicant additional costs of attendance on the re-arranged date. However, there is no cause to doubt the Council's submission that non-attendance was accidental, arising from non-receipt of the notification, and was not unreasonably deliberate.
10. Omitting the first reason for refusal would not have removed the need to appeal. However, the need to address it has added to the cost of the process to the applicant. Therefore, to that limited extent I find that unreasonable behaviour resulting in unnecessary expense, as described in Circular 03/2009, has been demonstrated and that a partial award of costs is justified.

Costs Order

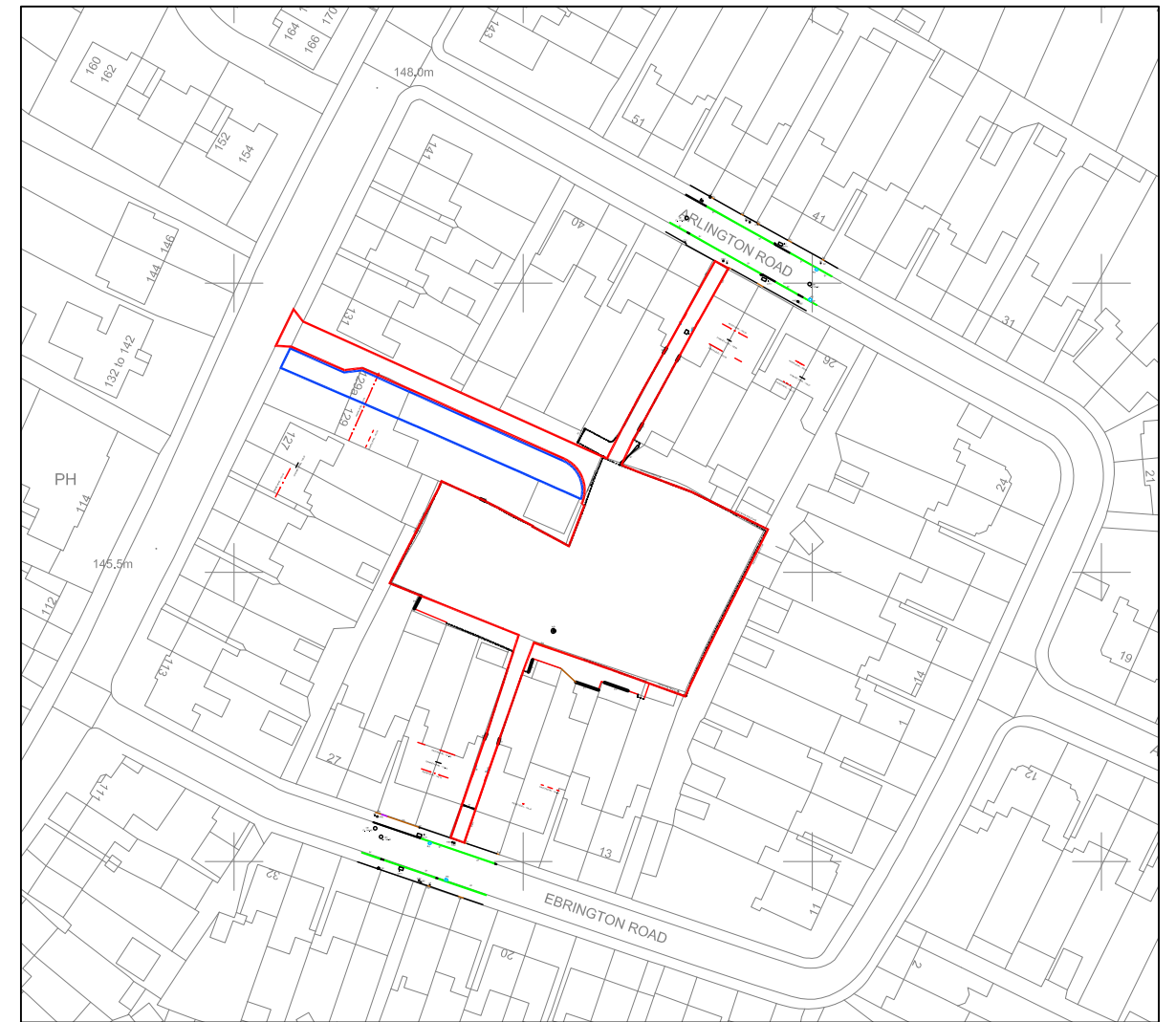
11. In exercise of the powers under section 250(5) of the Local Government Act 1972 and Schedule 6 of the Town and Country Planning Act 1990 as amended, and all other enabling powers in that behalf, IT IS HEREBY ORDERED that Sandwell Metropolitan Borough Council shall pay to Dr Beatrice Anderson, the costs of the appeal proceedings described in the heading of this decision limited to those costs incurred in addressing reason for refusal No. 1.
12. The applicant is now invited to submit to Sandwell Metropolitan Borough Council, to whom a copy of this decision has been sent, details of those costs with a view to reaching agreement as to the amount. In the event that the parties cannot agree on the amount, a copy of the guidance note on how to apply for a detailed assessment by the Senior Courts Costs Office is enclosed.

Stuart Hall

INSPECTOR



PROPOSED SITE PLAN @ 1:500



LOCATION PLAN @ 1:1250

REVISIONS		
C	10/04/19	Updated as per Client Request
B	21/03/19	Updated as per Client Request
A	11/03/19	Revised boundary

neil boddison associates ltd



architecture planning land

POOL HOUSE, 30 DAM STREET, LICHFIELD, WS13 6AA
TEL: 01543 262444
WEB: WWW.NBA.CO.UK

CLIENT:
WINDYRIDGE PROPERTY LTD

PROJECT:
LAND TO THE REAR OF 14 - 27 EBRINGTON RD
WEST BROMWICH

DRAWING TITLE:
LOCATION PLAN AND PROPOSED SITE PLAN

PRELIMINARY

SCALE AS NOTED	SHEET A3
DATE AUG 2018	DRAWN BY JAB

DRAWING NO 30697	REV. 00	REV. C
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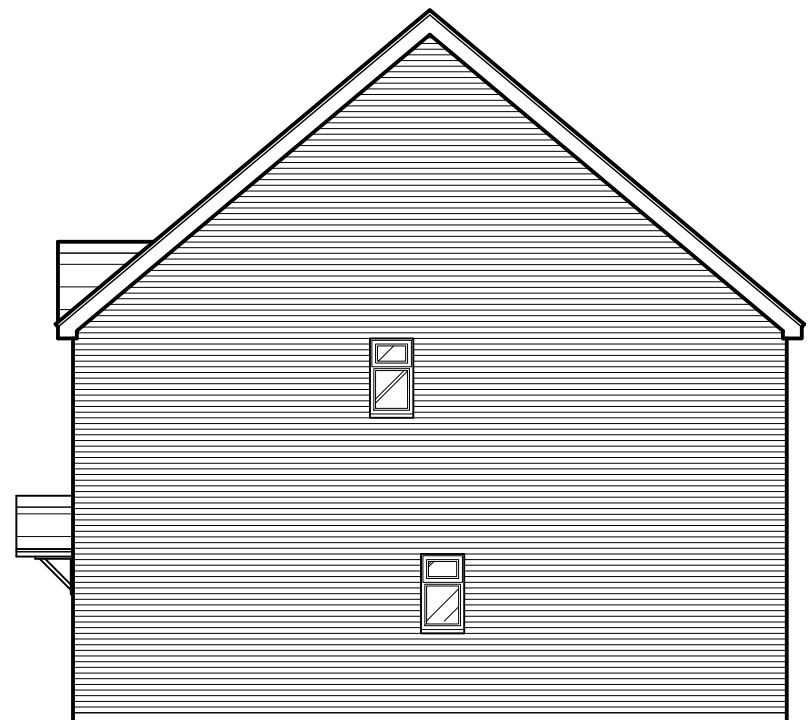
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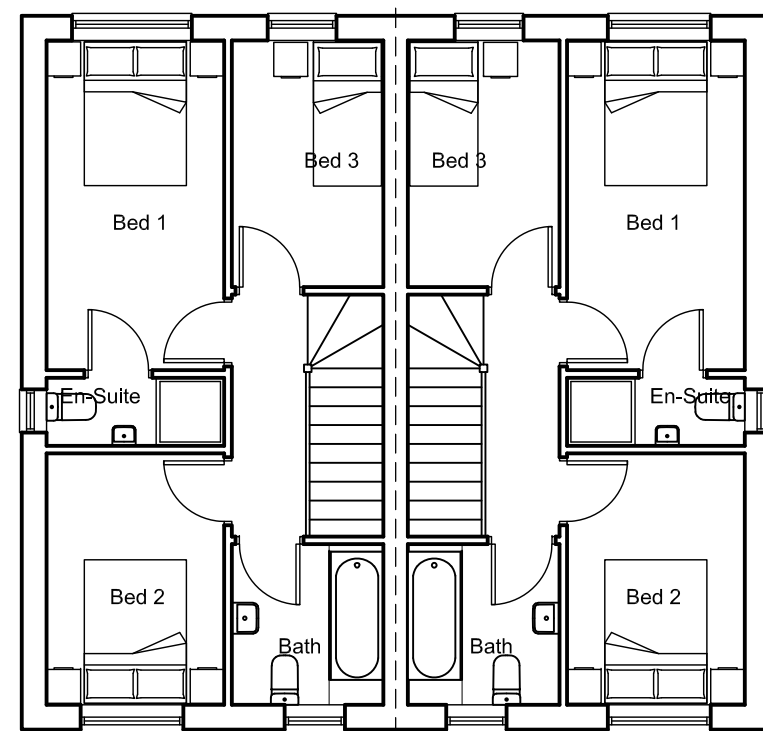
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Proposed Front Elevation



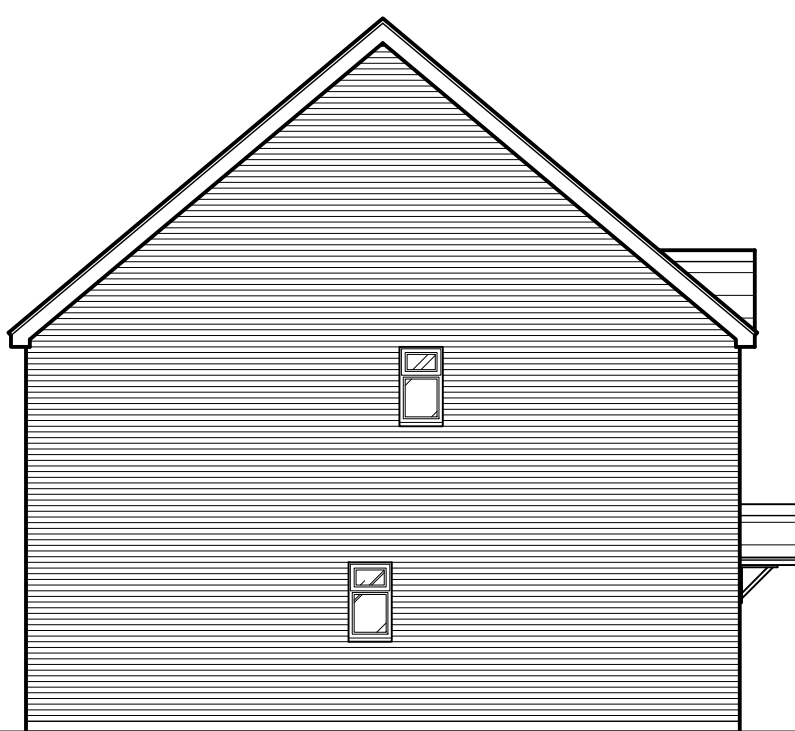
Proposed Side Elevation



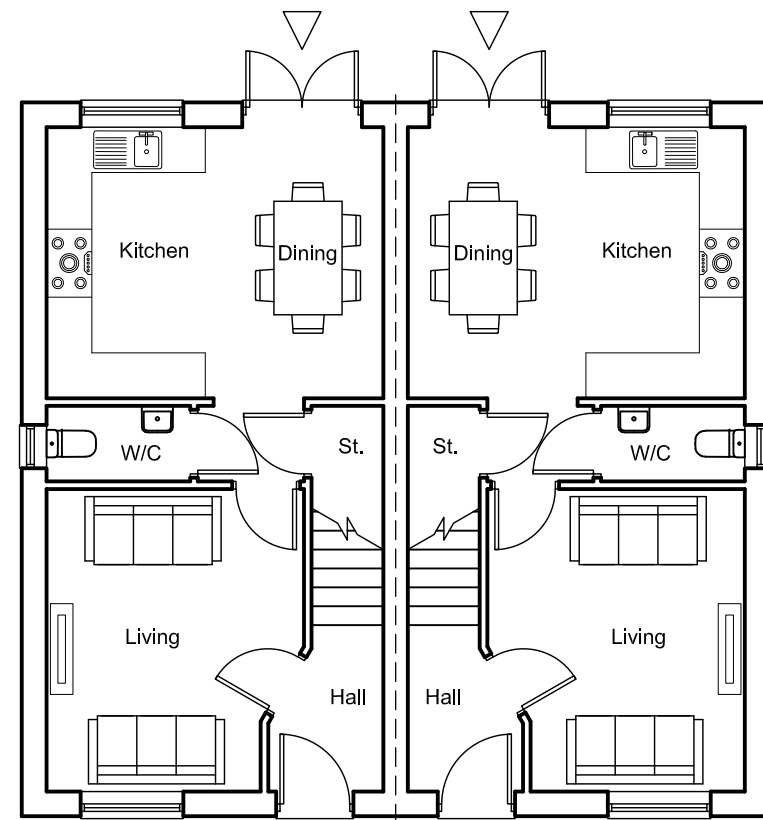
Proposed First Floor Plan



Proposed Rear Elevation



Proposed Side Elevation



Proposed Ground Floor Plan

REVISIONS



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TEL: 01543 262444
WEB: WWW.NBA-A.CO.UK

CLIENT:
WINDYRIDGE PROPERTY LTD

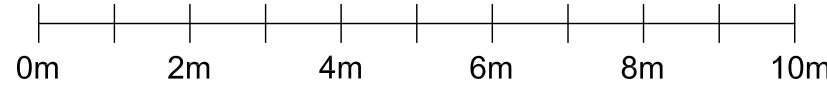
PROJECT:
LAND TO THE REAR OF 14 - 27 EBRINGTON RD
WEST BROMWICH

DRAWING TITLE:
PLOTS 1-4
PROPOSED FLOOR PLANS & ELEVATIONS

PRELIMINARY

SCALE 1:100	SHEET A3
DATE JAN 2019	DRAWN BY JAB

DRAWING.NO 30697	02	REV.
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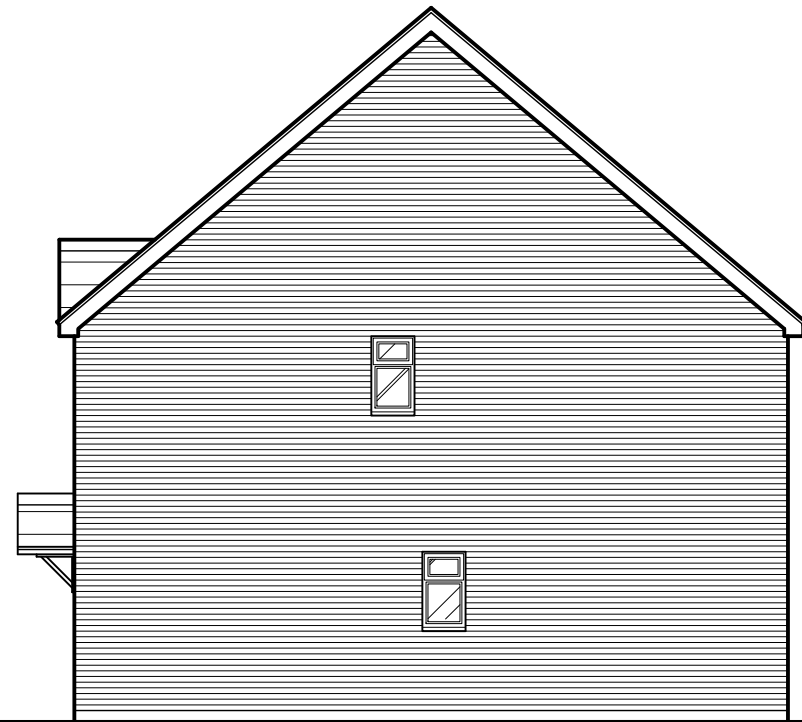
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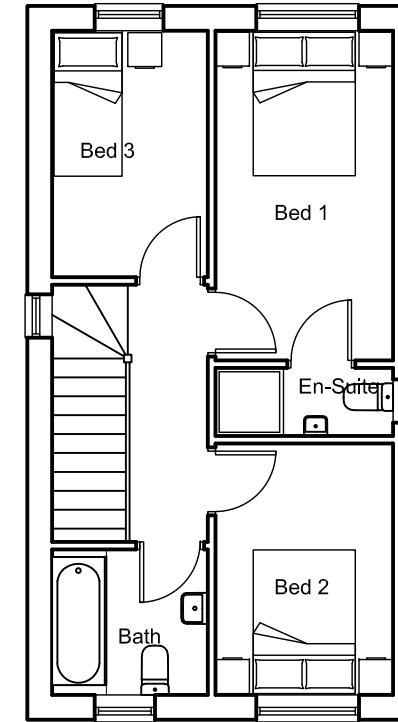
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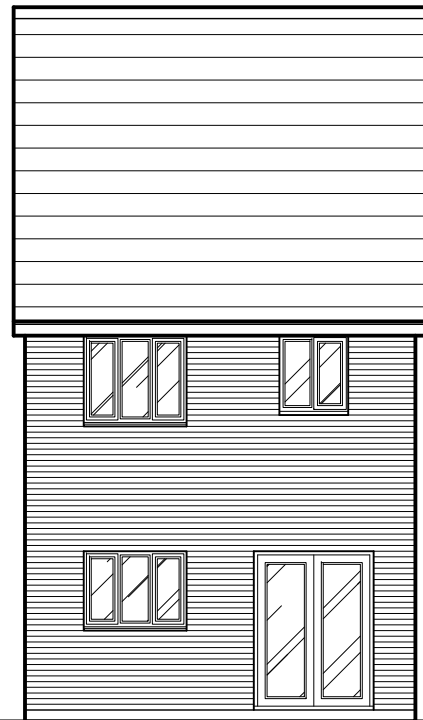
Proposed Front Elevation



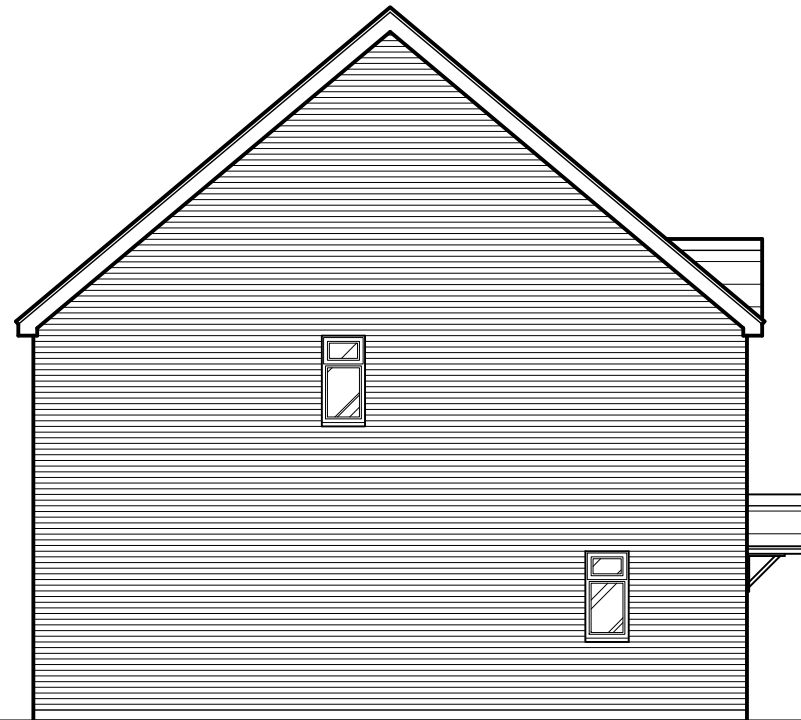
Proposed Side Elevation



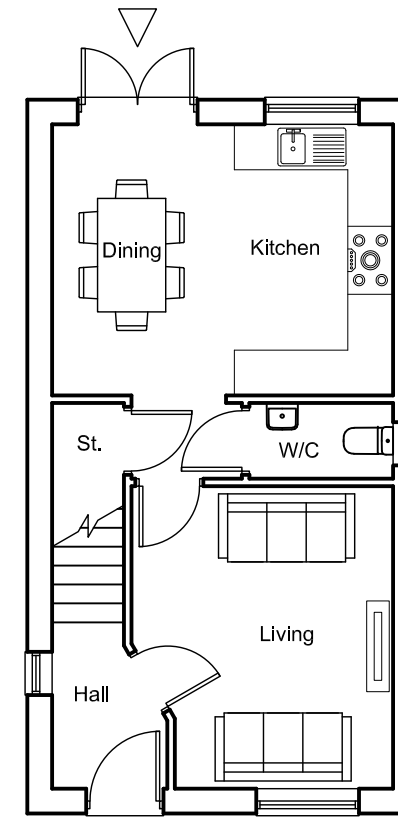
Proposed First Floor Plan



Proposed Rear Elevation



Proposed Side Elevation



Proposed Ground Floor Plan

REVISIONS

neil boddison associates ltd



architecture planning land

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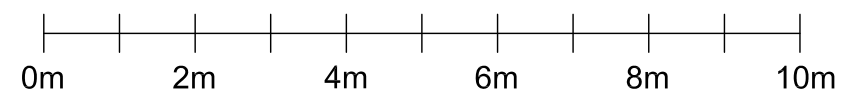
PROJECT:
LAND TO THE REAR OF 14 - 27 EBRINGTON RD
WEST BROMWICH

DRAWING TITLE:
PLOT 5
PROPOSED FLOOR PLANS & ELEVATIONS

PRELIMINARY

SCALE 1:100	SHEET A3
DATE JAN 2019	DRAWN BY JAB

DRAWING.NO 30697	03	REV.
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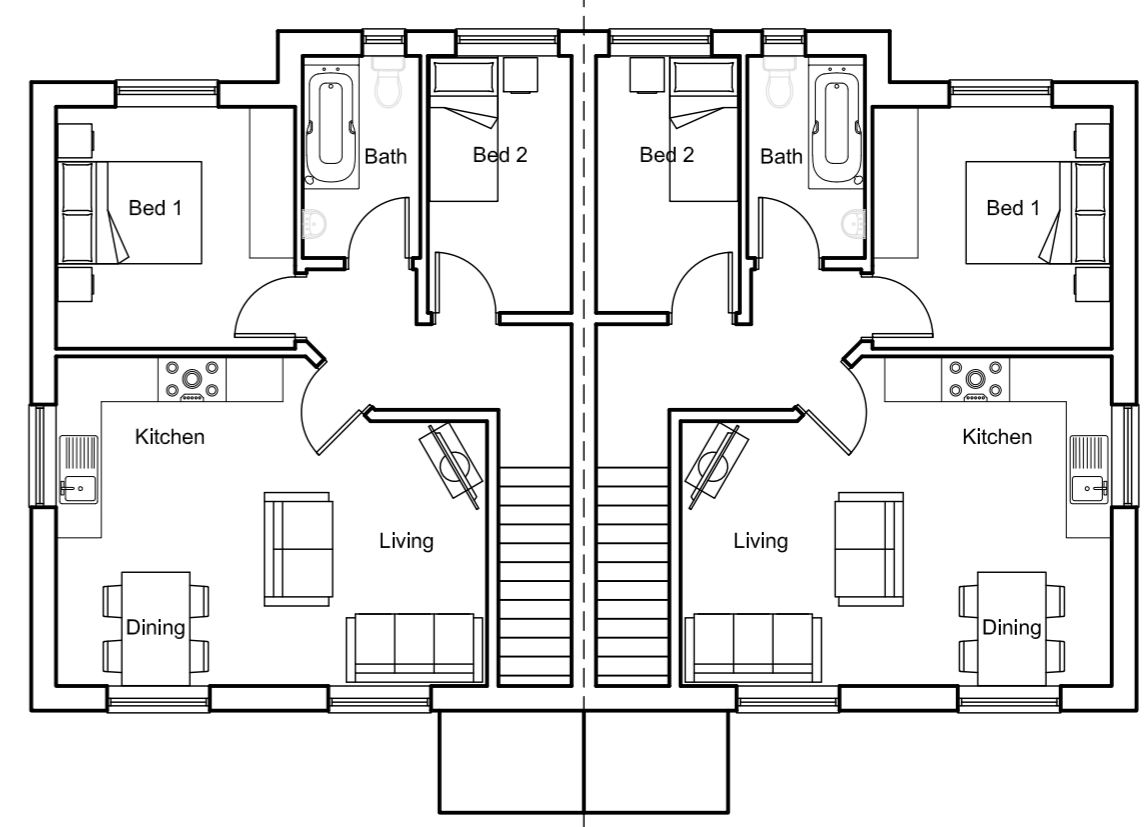
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Proposed Front Elevation

Proposed Side Elevation

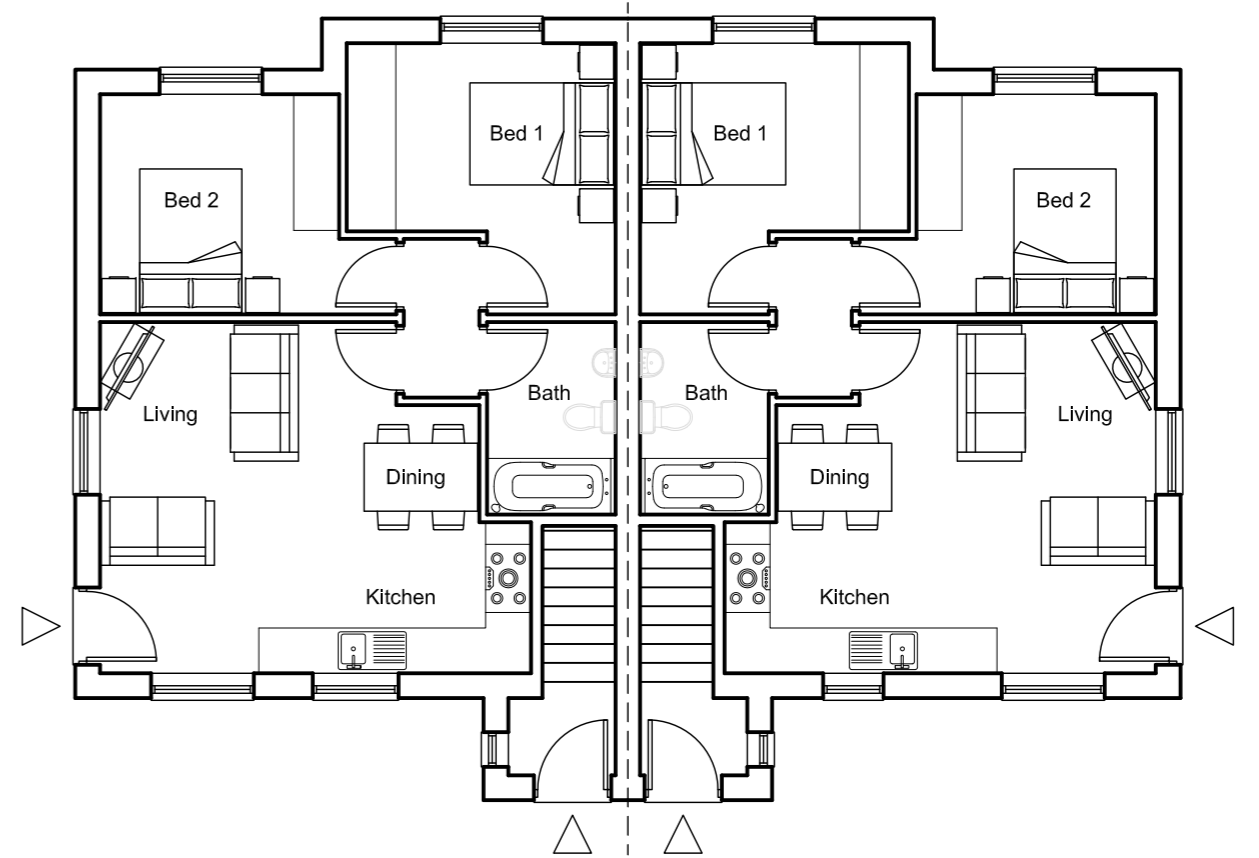


Proposed First Floor Plan



Proposed Rear Elevation

Proposed Side Elevation



Proposed Ground Floor Plan

REVISIONS

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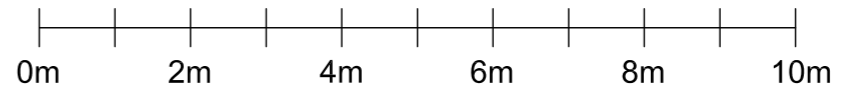
PROJECT:
LAND TO THE REAR OF 14 - 27 EBRINGTON RD
WEST BROMWICH

DRAWING TITLE:
PLOTS 6-9
PROPOSED FLOOR PLANS & ELEVATIONS

PRELIMINARY

SCALE 1:100	SHEET A2
DATE JAN 2019	DRAWN BY JAB

DRAWING.NO 30697	04	REV.
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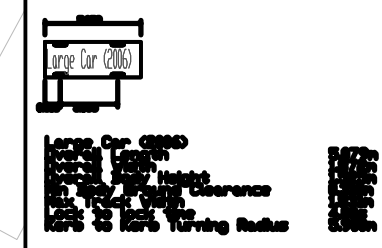


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- Notes**
1. Do not scale this drawing. All dimensions must be checked/ verified on site. If in doubt ask.
 2. This drawing is to be read in conjunction with all relevant architects, engineers and specialists drawings and specifications.
 3. All dimensions in millimetres unless noted otherwise. All levels in metres unless noted otherwise.
 4. Any discrepancies noted on site are to be reported to the engineer immediately.

Legend



Rev	Date	Details of issue / revision	Drw	Rev
P5	09.04.19	PRELIMINARY ISSUE	JF	LT
P4	09.04.19	PRELIMINARY ISSUE	JF	LT
P3	04.04.19	PRELIMINARY ISSUE	JF	LT
P2	27.03.19	PRELIMINARY ISSUE	JF	LT
P1	27.03.19	PRELIMINARY ISSUE	JF	LT

Issues & Revisions

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- Manchester | 0161 233 4260
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Client
DESIGN SYNTAX LTD

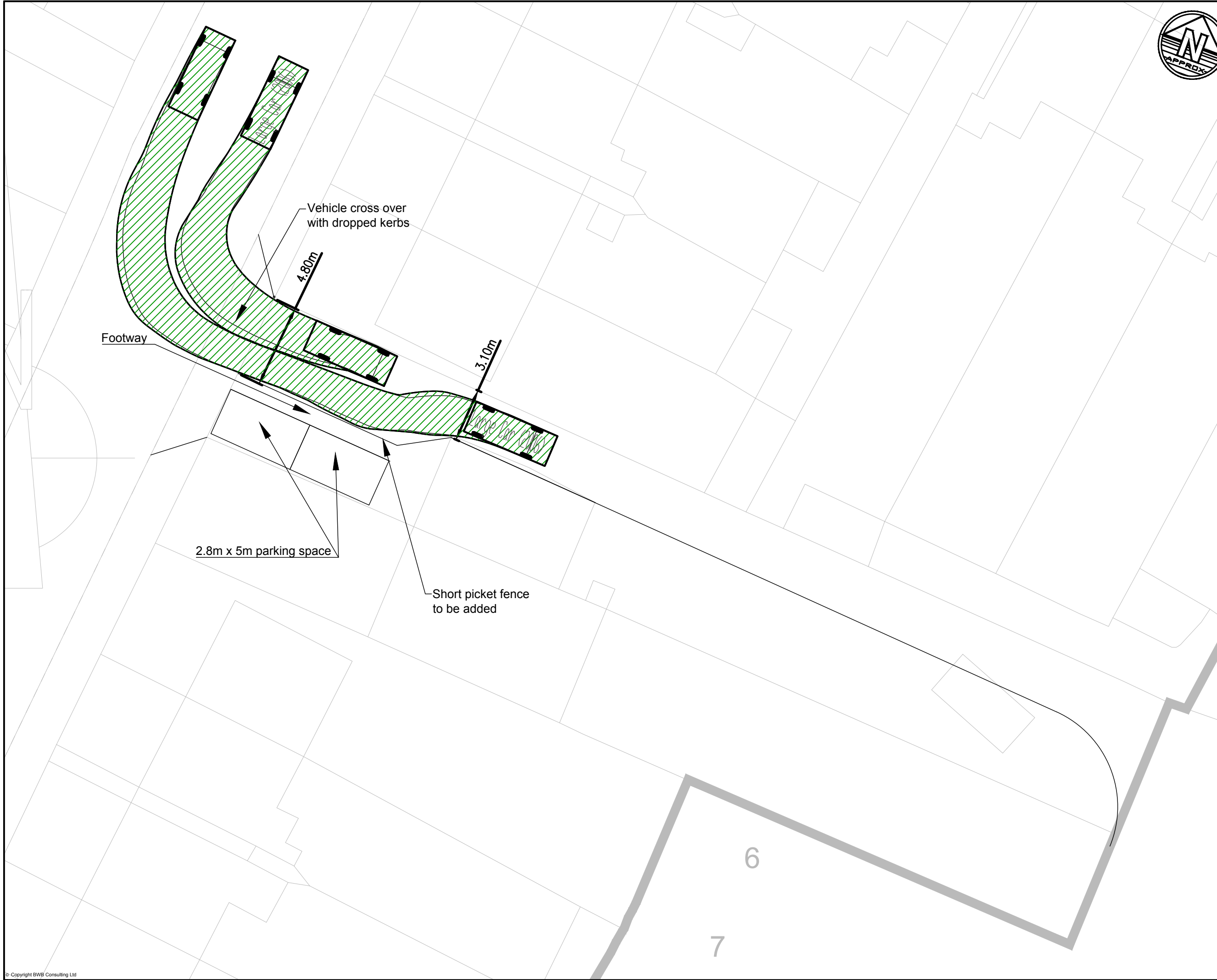
Project Title
**EBRINGTON ROAD,
 WEST BROMWICH**

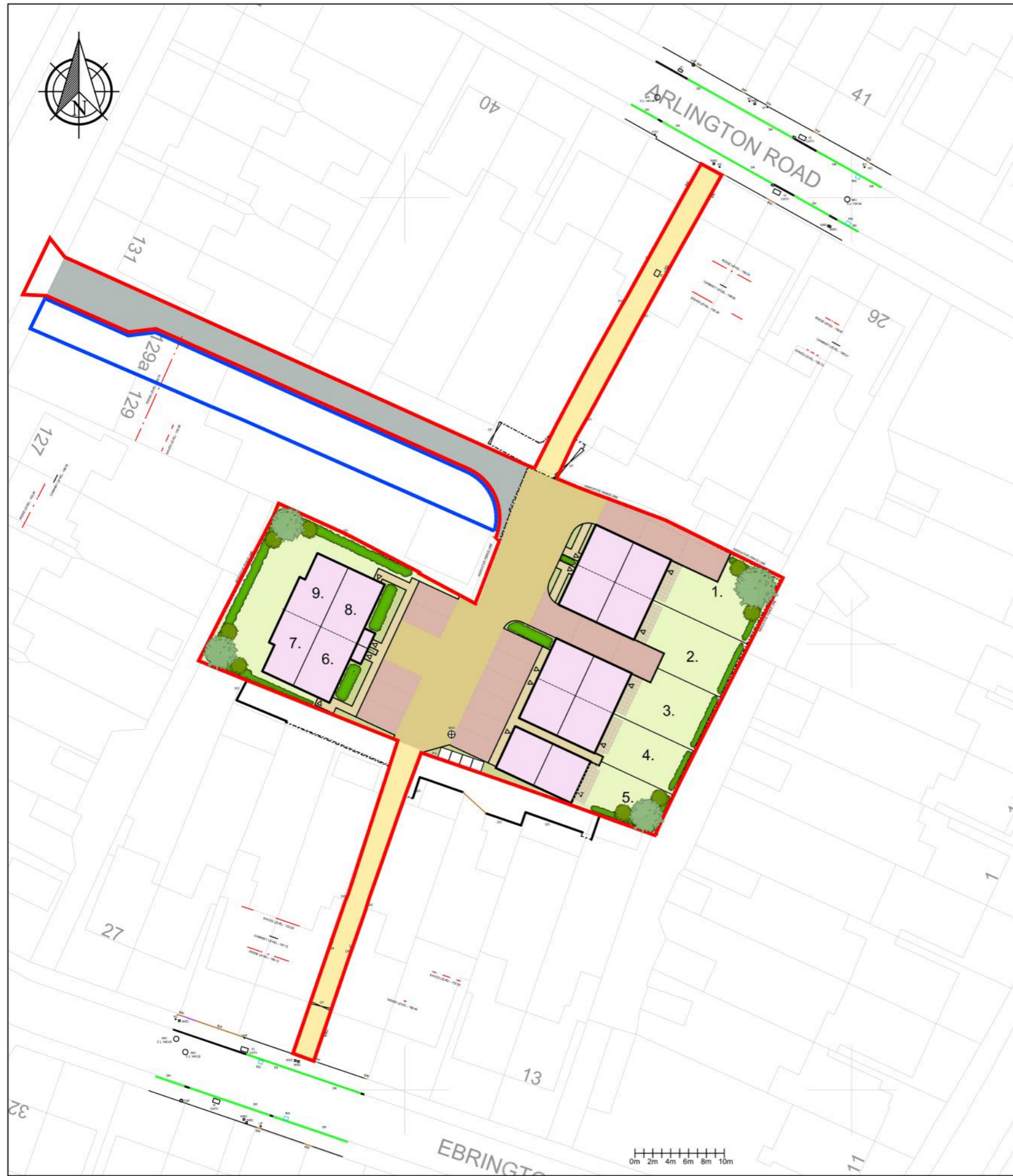
Drawing Title
**ALTERNATIVE PROPOSED
 ACCESS ARRANGEMENTS**

Drawn:	J. Farrell	Reviewed:	L.Thomas
BWB Ref:	BMT 2279	Date:	27.03.19
Scale:	A3	1:200	

Drawing Status
PRELIMINARY

Project - Originator - Zone - Level - Type - Role - Number	Status	Rev
ARL-BWB-GEN-XX-DR-TR-123	S2	P5




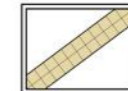




PROPOSED SITE PLAN @ 1:500



KEY


HARD LANDSCAPE KEY

-  BUILDING



 SLAB PAVING TO PATHS AND PATIOS

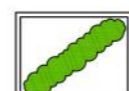
 TARMAC
-  COLOURED BLOCK PAVING SURFACING TO ROAD
Colour to suit adjacent hard surface areas e.g. buff

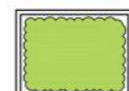
 PERMEABLE GRAVEL
-  BLOCK PAVING TO FRONT




 FENCE

SOFT LANDSCAPE KEY

-  **HEAVY STANDARD TREES**
 Cupressusocyparis
 Laylandii
 10-12cm girth
 5L Pot
-  **SPECIMEN SHRUBS**
 (300mm depth of topsoil)

Species	Supply Size	Size
Hamamelis mollis	600-800mm	10L
Viburnum x burkwoodii	600-800mm	10L
-  **PROPOSED HEDGEROW**
 (300mm depth of topsoil)
NATIVE HEDGE
 Planted at 450mm centres in a double staggered row.
 Rows to be 400mm apart.

%	Species	Supply Size	Age	Root
100%	Carpinus betulus	600-800mm	1+1	OG
-  **PROPOSED ORNAMENTAL PLANTING**
 (300mm depth of topsoil)

%	Species	Supply Size	Pot Size
100%	Escallonia 'Apple Blossom'	400-600mm	3L
-  **PROPOSED MOWN GRASS TO FRONT OF PRIVATE PROPERTY**
 (150mm depth of topsoil)
-  **PROPOSED MOWN GRASS TO REAR OF PRIVATE PROPERTY**
 (150mm depth of topsoil)
-  **SITE BOUNDARY**

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REVISIONS

B	24/04/19	Materials updated
A	10/04/19	Revised to match site plan

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PROJECT:
LAND TO THE REAR OF 14 - 27 EBRINGTON RD
WEST BROMWICH

DRAWING TITLE:
LANDSCAPING PLAN

PRELIMINARY

SCALE AS NOTED	SHEET A3
DATE AUG 2018	DRAWN BY JAB

DRAWING.NO 30697	01	REV. B
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