
Appeal Decision

Site visit made on 7 December 2016

by Andrew Dawe BSc(Hons) MSc MPhil MRTPI

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

Decision date: 22 December 2016

Appeal Ref: APP/W1850/W/16/3159349

Land Adjoining New Mills, Ledbury, Herefordshire HR8 2PR

- 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 R Phillips against the decision of The County of Herefordshire District Council.
 - The application Ref 153213, dated 9 October 2015, was refused by notice dated 23 March 2016.
 - The development proposed is for 4 No. new dwellings.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. Since the appeal was submitted, the Council has confirmed that it no longer contests the second reason for refusal concerning the absence of an ecological survey of the site following the submission of such a survey with the appeal. Instead, the Council suggests a condition that would ensure enhancements for wildlife would be provided based on recommendations in the submitted ecologist's report. Based on the evidence submitted, I have no reason to conclude otherwise on this matter and so have not included the effect of the proposed development on the ecology of the site as a main issue.
3. The Council, in respect of the amenity of occupiers of the adjoining New Mills, refers in its appeal statement to the matter of noise, disturbance and light pollution associated with the proposed parking and turning area for plot 4. This matter was not specifically referred to in the Council's original officer report. However, the appellant has had the opportunity to comment on the Council's appeal statement and so would not be prejudiced by my consideration of this matter. I have determined the appeal on that basis.

Main Issues

4. The main issues are the effect of the proposed development on:
 - i) the character and appearance of the surrounding area;
 - ii) the living conditions of the occupiers of New Mills in respect of noise, disturbance and light pollution associated with the parking and turning area for plot 4; and in respect of the provision of amenity space, for external storage facilities, and for car parking.
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Reasons

Character and appearance

5. The site is in a prominent location adjacent to a key road junction between the A438 and A417 on the immediate outskirts of Ledbury. That junction, in the form of a roundabout, is therefore a well-used gateway into the town.
6. The site does not have any statutory or non-statutory designation that would be a constraint on development. However, the surrounding area, including the site, relating to this roundabout junction is characterised by its pleasant open and spacious nature. This is achieved with dwellings being set well back from the roundabout and trees predominating, including alongside the connecting roads to the junction. The tree cover relating immediately to the appeal site is less than elsewhere around this roundabout, allowing more direct sight of New Mills and the nearer houses of the estate to the north of the site to varying degrees, particularly in winter with the leaves of the intervening trees. However, the degree of set-back of those houses from the roundabout maintains the overall distinctly open and spacious character.
7. The site does have an existing storage building located adjacent to the southern road-side boundary in a prominent location. However, being only a single storey structure, its fairly modest height, together with the softening effect of its timber cladding, ensures that it is not a dominating feature of the streetscene.
8. The proposed dwellings, particularly those related to plots 1 and 2, would be positioned noticeably closer to the roundabout than any others in the vicinity. They would also have a significantly greater height and massing than the existing storage building referred to above, that would be removed.
9. They would be softened to a degree by existing trees, less so in the winter with the leaves off, and there would be some scope for further softening or partial screening with proposed new planting, including a boundary hedge. However, based on the submitted drawings and evidence, it would be likely that the limited extent of tree planting would still leave significant gaps and clear sight of the proposed dwellings over the hedge, even when matured. This would be particularly evident on the approach from the west, either just before or from the roundabout itself, as well as from those close approaches to the roundabout on its eastern side, more so in the winter with leaves off the trees at the southern side of the site. Furthermore, any tree or hedge planting could not be relied upon to maintain that softening or screening function in terms of ongoing maintenance or survival in the longer term.
10. The proposed development would therefore have a jarring and dominating appearance in the context of the existing distinctly open and spacious nature of this gateway location.
11. For the above reasons, I conclude on this issue that the proposed development would cause unacceptable harm to the character and appearance of the surrounding area. As such, it would be contrary to policies SS6 and SD1 of the Herefordshire Local Plan Core Strategy (the Core Strategy) which together, in respect of this issue, require development to conserve and enhance those environmental assets that contribute towards the county's distinctiveness, and take into account local context and site characteristics.

Living conditions

12. The proposed parking and turning area for plot 4 would be immediately adjacent to the boundary with No 1 New Mills and very close to the rear of that property which has windows facing to the rear, the nearest being above the rear entrance door at first floor level. Activity relating to that parking and turning area would inevitably include engines running and car doors slamming. Given the close proximity to the rear of No 1, this would have the potential to cause an unacceptable level of noise and disturbance to residents of that dwelling, particularly if early in the morning or late at night. Light intrusion from car headlights would be less likely as they would not be shining directly towards the rear windows of No 1.
13. The appeal site currently comprises land used in connection with No 1 for parking, amenity space and external storage. Without that land, No 1 would be left with just a very small existing rear garden with limited scope for storage buildings and its parking provision would be lost.
14. The appellant, who owns New Mills, has however indicated in his submissions how the existing large garden of No 2 could be split up to provide a good sized garden for both Nos 1 and 2. Furthermore, those submissions indicate the scope for providing parking for No 1 at the end of the access road to New Mills adjacent to existing spaces for No 2. I am therefore satisfied that such provision for amenity space, likely also to be large enough for storage buildings, and parking could be secured by condition were the appeal allowed.
15. However, I conclude on this issue that my findings in respect of light intrusion, amenity space, external storage space and car parking would not outweigh the unacceptable harm that, for the above reasons, would be caused to the living conditions of the occupiers of No 1 in respect of noise and disturbance. As such, the proposed development would be contrary to policy SD1 of the Core Strategy which, in respect of this issue, requires development to safeguard residential amenity for existing residents and not to contribute to adverse impacts arising from noise.

Conclusion

16. The National Planning Policy Framework sets out that there should be a presumption in favour of sustainable development and indicates that to achieve that, economic, social and environmental gains should be sought jointly and simultaneously through the planning system.
17. It is apparent from the Council's submissions that it cannot identify a five year supply of deliverable housing land. However, I consider that the small contribution this development would make towards addressing the undersupply of housing does not outweigh the harm it would cause to the character and appearance of the surrounding area and the living conditions of the occupiers of No 1 New Mills in respect of noise and disturbance. It would therefore not be a sustainable form of development.
18. For the above reasons, I conclude that the appeal should be dismissed.

Andrew Dawe

INSPECTOR