

Appeal Decision

Site visit made on 5 January 2017

by G Powys Jones MSc FRTPI

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

Decision date: 23rd January 2017

Appeal Ref: APP/H1840/D/16/3163151

33 Albert Street, Droitwich, Worcestershire, WR9 8HP

- 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 Mrs Elizabeth Boulton against the decision of Wychavon District Council.
 - The application Ref W/16/01692/PP, dated 30 June 2016, was refused by notice dated 24 August 2016.
 - The development is described as a replacement garage.
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Decision

1. The appeal is dismissed.

Preliminary matters

2. On 2 September 2015 the Council granted planning permission for a replacement garage at the site (*Ref W/15/01739/PP*). Works commenced, but those carried out were not in conformity with the approved plans. The appellant, in effect, seeks permission to retain the works already carried out and to complete the works in accordance with the revised plans subject of this appeal. I shall proceed on this basis.
3. Work on the construction of the replacement garage was at a fairly advanced stage when ceased. The Council acknowledges that, in terms of its width, length and ridge height, the garage under construction is similar to that granted permission in 2015. However, in order to accommodate an upper floor, the previously approved eaves height has been increased by about 1.2m, and the angle of the roof's pitch reduced.

Main Issues

4. The main issues are the effect of the development:
 - (a) on the character and appearance of its surroundings, and
 - (b) on the living conditions of the residents of the neighbouring property at 39 Nine Foot Way with specific reference to visual impact and sunlight.
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Reasons

Character and appearance

5. The garage is reached along a narrow access lane from Albert Street. It is situated in a small courtyard serving other garages and outbuildings. The garage has little or no impact on Albert Street itself, but is seen from Nine Foot Way, which is a pedestrian footway leading from Albert Street to Burrish Street.
6. However, much of the garage is obscured from view when approaching from the east along Nine Foot Way by the bulk of the adjacent dwelling (No 39 Nine Foot Way). The hedge growing alongside the footway also provides a significant level of screening when approaching from the west, even in winter when defoliation has taken place.
7. To my mind, assessed purely in terms of its design, the level of screening and the effect on character and appearance of its surroundings, the difference between that previously approved and that built/proposed is marginal, and insufficiently significant to have caused visual harm.
8. I conclude that the replacement garage, when complete, would have no significantly greater visual impact on the character and appearance of its surroundings than the development deemed acceptable by the Council. Accordingly, no conflict arises with those provisions of policy SWPD21 of the South Worcestershire Development Plan (SWDP) directed to design.

Living conditions

9. The garage is built cheek-by-jowl with the gabled western elevation of 39 Nine Foot Way. This is a brick-built dwelling standing on a restricted site with limited garden space at the front with none apparent to the rear. The dwelling therefore has very limited external amenity space. No 39's front garden is fenced so as to provide privacy from users of the adjacent footway.
10. The garage, as built, extends beyond No 39's front elevation towards the footway so that it is readily apparent from No 39's front garden. The effect of the modifications has been to increase the height of the eaves, and consequently the apparent bulk of the building, which is situated very close to the common boundary. The result is that the building, given the increase in the vertical height of the nearest wall, would be perceived from No 39's front garden as far more visually dominant than that granted permission, to the extent that it would be regarded as oppressive.
11. As the Council suggests, the lowering of the roof's pitch would result in the level of direct sunlight entering a section of No 39's front garden being reduced during parts of the afternoon/evening. In my estimation, however, the reduction would not be significant or material when compared with the effect of the approved development in this regard.
12. I conclude that whilst the amount of sunlight entering No 39's front garden would not be reduced to the extent that it would cause harm, the garage as built and as proposed to be completed, would dominate No 39's front garden and would be perceived as oppressive and overbearing. The development

would therefore be in conflict with that aspect of SWDP policy SWPD21 designed to protect the living conditions of neighbouring residents.

13. All other representations made have been taken into account, including the comments made by the Town Council, who did not object. I have also considered the appellant's references to other development plan policies and to those aspects of the *National Planning Policy Framework*. No other matter is of such significance as to outweigh the considerations that led me to my overall conclusions, set out below.

Overall conclusions

14. I find in favour of the appellant in respect of the effect of the modified garage on the visual amenities of the surrounding area, and in terms of its effect on the level of sunlight striking a neighbouring garden. However, I also find that the development if completed in its proposed form would appear oppressive and overbearing when viewed from No 39's limited front amenity space. This is sufficient reason to dismiss the appeal.

G Powys Jones

INSPECTOR