The Planning Inspectorate

Appeal Decision

Site visit made on 17 January 2017

by D Boffin BSc (Hons) DipTP MRTPI Dip Bldg Cons (RICS) IHBC

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

Decision date: 10 February 2017

Appeal Ref: APP/J1860/D/16/3162086
May Cottage, 15 Wyche Road, Malvern, Worcestershire WR14 4EF

- 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 G Simmonds against the decision of Malvern Hills District Council.
- The application Ref 16/00391/HOU, dated 12 February 2016, was refused by notice dated 10 October 2016.
- The development proposed is alterations and extensions to existing residential dwelling.

Decision

1. The appeal is allowed and planning permission is granted for alterations and extensions to existing residential dwelling at May Cottage, 15 Wyche Road, Malvern, Worcestershire WR14 4EF in accordance with the terms of the application, Ref 16/00391/HOU, dated 12 February 2016, subject to the following conditions:

    1) The development hereby permitted shall begin not later than 3 years from the date of this decision.

    2) The development hereby permitted shall be carried out in accordance with the following approved plans: D1 Rev B - Location and Site Plan, D2 Rev C - Block Plan, D4 Rev C - Plans as Proposed and D5 Rev C- Elevations as Proposed.

    3) No development shall commence until details / samples of the materials to be used in the construction of the external surfaces of the alterations and extensions hereby permitted have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details / samples.

Main Issue

2. The main issue is the effect of the proposed development on the living conditions of the occupiers of 5, 7 and 9 Wyche Road with regard to sunlight and daylight.

Reasons

3. The appeal property is a detached dwelling on a steeply sloping site. It has single storey flat roof elements that front Wyche Road and the main garden area. The adjacent property contains 3 apartments, 5, 7 and 9 Wyche Road, within a 3-storey building that is also on a steeply sloping site. I noted at my site visit that there are a number of windows on the apartments' elevations

that are in close proximity to the appeal dwelling. The ground floor windows on these elevations are at an appreciably lower level than the adjacent part of the appeal dwelling.

4. The appeal proposals comprise a single storey extension to the kitchen, the continuation of the existing balcony above that extension and a mono-pitch roof extension above the existing single storey element that fronts Wyche Road. The Council's concerns in relation to sunlight and daylight relate to the mono-pitch extension and not the kitchen extension and balcony. Taking into account the location of the kitchen extension and balcony it would not adversely affect the amount of sunlight and daylight received in the windows of the neighbouring apartments.

5. Due to boundary walls, landscaping, the topography and the close proximity of the appeal dwelling the apartments' windows nearest to the appeal dwelling will already experience a reduced level of sunlight and daylight. As the mono-pitch extension would be approximately due south from these windows it would reduce the amount of sunlight that would be received in the associated rooms. However, the extension would only extend from the existing elevation by around one metre[1], the walls would be of glass and the majority of the roof would be steeply pitched. Consequently, I consider that the reduction in the amount of sunlight received in those rooms would not be significant.

6. Due to the close proximity of the extension to the windows in the nearest parts of the apartments and the difference in levels from the ground floor windows it is likely that the extension will reduce the amount of daylight to these windows. However, as stated above, taking into account the restricted size, sloping roof and glass walls of the proposal I do not consider that the reduction of daylight received in those rooms would be significant.

7. Consequently, as the reduction in sunlight and daylight to the affected windows would not be significant I consider that the proposal would not substantially harm the living conditions of the neighbouring occupiers of 5, 7 and 9 Wyche Road with regard to sunlight and daylight. It follows that it complies with Policy SWDP21 of the South Worcestershire Development Plan which, amongst other things, requires development to provide an adequate level of sunlight and daylight.

Other Matters

8. S.72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the Act) requires that, in the exercise of planning powers in conservation areas, special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area. The appeal site is within the Malvern Wells Conservation Area (MWCA) and I note that the Council consider that the proposal would not have little or no impact on the character or appearance of the MWCA.

9. I also note that the site is within the Malvern Hills Area of Outstanding Natural Beauty (AONB) and that the Council consider that the proposal would have little impact on the scenic beauty of the AONB. Taking into account the design, scale and location of the alterations and extensions I consider that the

[1] Measurement taken from the appellant's statement of case

development would have a neutral impact on the character and appearance of the MWCA and the landscape and scenic beauty of the AONB.

10. Local residents object to the proposal on a wider basis, including in respect of privacy, outlook, the use of the flat roof as a carport and the any interruption of access to the driveway. These did not form part of the Council's reasons for refusal and I am satisfied that these matters would not result in a level of harm which would justify dismissal of the appeal.

11. The issue of impact on property values has also been raised. It is a well-founded principle that the planning system does not exist to protect private interests such as value of land or property.

12. While I understand that my decision will be disappointing for some local residents, the information before me does not lead me to conclude that these other matters, either individually or cumulatively, would be an over-riding issue warranting dismissal of the appeal.

Conditions

13. In order to provide certainty as to what has been permitted I have imposed a condition specifying the relevant drawings. In the interests of character and appearance, it is necessary to impose a condition requiring details of materials.

14. The Planning Practice Guide advises that care should be taken when using conditions which prevent any development authorised by the planning permission from beginning until the condition has been complied with. In the case of the pre-commencement condition, I consider that resolution of the matters specified to be so fundamental to the development that it would otherwise be necessary to refuse the application.

Conclusion

15. For the above reasons, and taking account of all other matters raised, I conclude that the appeal should be allowed.

D. Boffin

INSPECTOR