
Appeal Decision

Site visit made on 10 May 2017

by Jonathan Tudor BA (Hons), Solicitor (non-practising)

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

Decision date: 31 May 2017

Appeal Ref: APP/J1860/W/16/3162092

Serenity House, 165 Leigh Sinton Road, Malvern WR14 1LB

- 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 John Harvey against the decision of Malvern Hills District Council.
 - The application Ref 16/01174/HOU, dated 4 August 2016, was refused by notice dated 19 October 2016.
 - The development proposed is double garage with home workshop and WC with hand wash basin.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. The planning application was made by Mr John Harvey and only the applicant has a right of appeal. Therefore, though he provided written authority for his wife, Mrs Karen Harvey, to act on his behalf during the course of the appeal, Mr Harvey remains the appellant and is referred to in the banner heading above.
3. Revised plans were submitted during the course of the planning application process, reducing the height and changing the roof design of the proposed garage. Although the appellant has submitted plans showing the previous versions of the scheme with the appeal documentation, they are very different from the final revised plans on which the Council made its decision. It is important that I consider essentially the proposal that was assessed by the Council in reaching that decision, and on which people's views were sought. Therefore, I will consider the appeal on the basis of the plans referred to by the Council in its decision notice.

Main Issue

4. The main issue is the effect of the proposed development on the character and appearance of the existing dwelling and the area.

Reasons

5. The appeal site comprises a large, detached two-storey dwelling on a generous corner plot located near the junction of Leigh Sinton Road and Westward Road. It benefits from access via a service road to the east which is separated from the busier main road by a grass verge. It is in a residential area. The proposed double garage would, according to the Council, have a maximum
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width of 7 metres and a maximum length of 6.7 metres, with an eaves height of 2.9 metres and a ridge height of 4 metres, figures that have not been disputed. It would, therefore, be a sizeable building.

6. The double garage would occupy the south eastern corner of the plot and be in front of the established building line of properties to the north and south, along this section of Leigh Sinton Road. The dwelling itself is already slightly in advance of that building line but the garage would be further in front again. I note that the original garage associated with the appeal dwelling is still in situ to the rear of the house. Whilst many of the nearby properties have garages, they are mainly integral or to the side of the house and, in some cases, to the rear, rather than in advance of the main front elevation. Consequently, the proposal would be out-of-keeping with the immediate area and a large garage well in front of existing built forms along the road would strike a discordant note.
7. The appellant's Landscape and Visual Impact Assessment suggests that the visual impact of the proposal would be minimal. However, as the appeal site is in an elevated and prominent corner location, the development would be visible from various public vantage points along the surrounding roads. Although the low boundary walls are augmented by a timber fence with bamboo planting above, the submitted plans illustrate that the pitched roof and upper parts of the large garage would still be in view. Furthermore, such boundary treatments may change over time so the level of existing screening would not necessarily remain. Therefore, I consider that the scale, height and position of the double garage/workshop would adversely affect the street scene.
8. Although I understand that it has been reduced in height from the original submission and that materials to match the main dwelling would be used, the garage would remain a substantial building. It would occupy virtually the whole of that corner of the plot and be in front of but also in close proximity to the main dwelling. Though the house itself is large, the addition of a further sizeable building in a prominent position would also have a negative impact on the character and appearance of the existing dwelling.
9. My attention has been drawn to various properties in the area which, the appellant advises, have garages in front of the building line, some in the process of construction. I do not have full details of the circumstances that led to those proposals being accepted and so cannot be sure that they represent a direct parallel to the appeal proposal, including in respect of scale, location and the development plan policies in place at the time of approval. In any event, they are varying distances from the appeal site and not located within the same immediate street scene.
10. Furthermore, the garage referred to in Beverley Way is located along a short section of that road with an adjacent property to the north. Therefore, there is no continuous visual building line established by a number of properties. In that way, it contrasts with the appeal site. The garage at 150 Leigh Sinton Road is on the eastern side of the road, along a section with a short line of houses set back from the highway. The garage is on an almost separate plot of land at the northern end and there are single houses to the north and south which are closer to the road. Therefore, any building line is not as consistent over a long stretch and that location has different characteristics from the appeal site. In any case, I have determined the appeal on its own merits.

11. I do not consider that the adverse effects that I have identified could be successfully mitigated by a condition regarding screening. The extent of the screening required could itself have negative effects. Furthermore, such a condition would not be reasonable or proportionate.
12. Overall, the above factors lead me to conclude that the proposed development would harm the character and appearance of the existing dwelling and the area. It follows, therefore, that it would conflict with Policy SWDP 21, of the South Worcestershire Development Plan¹ which, amongst other things, says that development will be expected to integrate effectively with its surroundings, complement the character of the area and that its scale, height and massing must be appropriate to the setting of the site.

Other Matters

13. The appellant advises that surface water drainage issues have been addressed. That was not one of the reasons that the Council refused the application and could be dealt with by condition, if necessary.
14. I can appreciate the appellant's desire to create a garage/workshop space that is separate from the family garden area. However, only limited weight can be given to such private interests, unless exceptional personal circumstances can be evidenced, because the planning system generally focusses on the wider public interest. Therefore, though I have considered that aspect, it does not lead me to alter my decision.

Conclusion

15. For the reasons given above, and having regard to all other matters raised, I conclude that the appeal should be dismissed.

Jonathan Tudor

INSPECTOR

¹ Adopted February 2016