
Appeal Decision

Site visit made on 23 May 2017

by Richard S Jones BA (Hons) BTP MRTPI

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

Decision date: 16 June 2017

Appeal Ref: APP/H1840/W/17/3171299
41 Hanbury Road, Droitwich Spa, WR9 8PP

- 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 Neil Harrison against the decision of Wychavon District Council.
 - The application Ref W/16/02499/OU, dated 20 October 2016, was refused by notice dated 14 December 2016.
 - The development proposed is described as "outline permission for one bungalow dwelling consisting of 2/3 bedrooms to the rear garden. Re-submission of 15/02397."
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Decision

1. The appeal is dismissed.

Preliminary matters

2. The application was made in outline with all matters reserved for future consideration. I have determined the appeal on the same basis and have treated the block plan and site section as indicative only.

Main Issue

3. The main issue is the effect of the proposed development on the character and appearance of the area.

Reasons

4. The main part of the appeal site is situated to the rear of No 41 Hanbury Road, in what appears to have previously been part of its garden area but has now been physically sub-divided. The site backs onto the residential properties along Winslow Avenue.
 5. Both Hanbury Road and Winslow Avenue have evolved to create a clear linear pattern of development along both road frontages. Although dwellings vary in their size and shape and there are slight variations to the building lines, there is nevertheless, a definite front and rear parameter to those building lines within which individual dwellings sit. In contrast, the appeal proposal would be located a significant distance behind No 41 in a backland setting, isolated and divorced from the prevailing pattern of development.
 6. In my view, the existing visual quality arising from the trees and vegetation and the considerable distances between the backs of houses provides a significant and important character resource to the area. I was unable to observe any significant built form within this gap. The domestic outbuildings
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- which do exist are subservient or of minor scale and do not materially alter this character.
7. Whilst I recognise that all matters are reserved for future consideration, I have no evidence to demonstrate that a bungalow which would be significantly elevated above the properties along Hanbury Road can be virtually obscured from view or would blend in with the surrounding area as suggested by the appellant. In my view it is very likely that a 2-3 bedroom bungalow would have a considerable presence in this location. The dwelling would therefore result in a marked and harmful change in the visual character of the area by introducing a substantial building into a setting characterised by small domestic buildings within large gardens. I have noted the appellant's intention to build a high quality bungalow but this would not outweigh or acceptably mitigate the harm I have described.
 8. The appellant has made reference to four approvals by the Council in residential gardens since the adoption of the South Worcestershire Development Plan Policy (DP) in February 2016. For examples 1 and 3 (references: 16/02441 and 16/02357), I have only been provided with a limited extract of the respective location plans therefore I cannot be certain that the wider pattern of development is comparable. For example 2 (reference: 15/03104), the approved development has direct access from the road and appears to conform to the surrounding pattern of development. For example 4 (reference: 16/01855) it is evident that the approved house would be positioned alongside much larger development in Brendan Court and as such is not isolated from the main surrounding built form. I do not therefore find examples 2 and 4 to be comparable to the appeal proposal. In any case, I have determined the appeal on its individual merits.
 9. Whilst the DP may be silent on building on residential gardens, paragraph 53 of the Framework highlights that Council's should consider the case for setting out policies to resist inappropriate development of residential gardens, for example where it would cause harm to the local area, as I have found in this case.
 10. The Council acknowledge that the site benefits from a sustainable location within the defined development boundary of Droitwich Spa and that a dwelling in this location would be acceptable and would conform with DP Policy SWDP 2. I have no evidence to lead me to a contrary position. I have also noted the appellant's reference to DP Policy SWDP 13 which states that housing density will be greater on sites with a high level of accessibility. However, even if I were to consider that the site as such, to increase the density in this location in the manner proposed, would be at odds with the existing pattern of development and would result in significant and unacceptable harm to the character and appearance of the area. This would be contrary to DP Policies SWDP 21 and SWDP 25 and paragraph 58 of the Framework. These require, amongst other matters, development proposals to complement the character of the area and be appropriate to and integrate with the character of the landscape setting.

Other matters

11. The Framework does not change the statutory status of the development plan as the starting point for decision making and states that proposed development that accords with an up-to-date Local Plan should be approved, and proposed development that conflicts should be refused, unless material considerations

indicate otherwise. The Framework is a material consideration in planning decisions.

12. As anticipated by paragraph 47 of the Framework, the proposal would increase housing supply, although this benefit would be limited due to the small scale nature of the development. Nevertheless, in this sustainable location it is a matter of moderate weight in favour of the appeal proposal. I also acknowledge the likely limited but positive contribution arising from the occupants of an additional dwelling to supporting local services and facilities and that the proposal would make a contribution to the economic dimension of sustainable development for a limited time through the construction of the dwelling. Notwithstanding the sloping nature of the appeal site, I also acknowledge that a bungalow would meet the housing needs of older people.
13. However, the benefits identified would be significantly outweighed by the harm the development would cause to the character and appearance of the area, such that the proposal would fail to meet the environmental dimension of sustainable development. Accordingly, the proposal would not amount to sustainable development, having regard to the advice of the reasoned justification to SWDP 1 and to paragraph 7 of the Framework. Not being sustainable development, it follows that no such presumption, as anticipated by Policy SWDP 1 and paragraph 14 of the Framework, applies.

Conclusion

14. For the reasons explained, and taking all other matters into consideration, I conclude that the appeal should be dismissed.

Richard S Jones

INSPECTOR