
Appeal Decision

Site visit made on 9 May 2017

by I Radcliffe BSc(Hons) MRTPI MCIEH DMS

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

Decision date: 19th June 2017

Appeal Ref: APP/J1860/W/16/3152002

Ploughs End, Corse Lawn, Gloucester GL19 4LZ

- 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 & Mrs T Gray against the decision of Malvern Hills District Council.
 - The application Ref 15/01566/FUL, dated 2 November 2015, was refused by notice dated 22 April 2016.
 - The development proposed is the erection of a replacement dwelling.
 - This decision supersedes that issued on 28 October 2016. That decision on the appeal was quashed by order of the High Court.
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Decision

1. The appeal is dismissed.

Procedural matter

2. The view of the appellant is that the redetermination of this appeal should deal with the only point conceded in the Consent Order quashing the decision issued on 26 October 2016, namely that the Inspector miscalculated the increase in footprint represented by the proposed development. However, as the previous decision has been quashed the correct approach is to treat it as if it had not been made. I have dealt with the appeal on this basis.

Main Issues

3. The appeal site is located in Corse Lawn outside of a settlement boundary. As a result, for the purposes of planning policy it is located within the open countryside where policy SWDP 18 of the South Worcestershire Development Plan details the criteria that applications for replacement dwellings need to comply with. Having regard to the reason for refusal, the main issues in this appeal are;
 - whether in order to meet accommodation needs there is a need to replace the existing dwelling, known as 'The Annex', rather than alter, extend or refurbish it; and,
 - the effect of the proposed replacement dwelling on the character and appearance of the area.

Reasons

4. Ploughs End is a former public house that has been converted into a dwelling house. 'The Annexe' is a two storey building attached to Ploughs End. Two of its five ground floor rooms and the first floor form a separate dwelling as confirmed by a Certificate of Lawfulness of Existing Use or Development
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(CoLEUD) (ref 15/00521/CLE). The application seeks permission to replace this dwelling by demolishing 'The Annexe' and building a detached house.

5. The justified reasoning to policy SWDP 18 recognises that existing properties may be in poor repair or not appropriate for current needs in terms of their design or size. As a result, in order to maintain the existing housing stock in the District, if accommodation needs cannot be met through alteration, extension and / or refurbishment of the existing dwelling, replacement is supported.
6. The notes to the policy essentially identify two reasons for preferring wherever possible to retain existing dwellings. Firstly, on the grounds that refurbishment represents a sustainable use of resources. Secondly, on design grounds where, for example, the design, location or size of the existing smaller dwelling contributes to the character of an area. I shall assess the scheme in turn against these issues, using the criteria of policy SWDP 18 and policy SWDP 21. This latter policy seeks high quality design.

Existing property

7. The dwelling is contained within a two storey brick built building with a pitched roof. On the ground floor two storage rooms are in ancillary domestic use to the house at Plough End. There is also a room on the ground floor containing a hairdressing salon. These rooms do not form part of the dwelling as defined by the CoLEUD. The building is watertight and secure. Behind the boarded windows the windows are intact. There is some minor spalling of external brickwork, but otherwise the building appears to be in a reasonable state of repair. I therefore find that the condition of the building does not indicate that the dwelling is in such a poor state that it is not suitable for alteration, extension or refurbishment.
8. The two bedroom dwelling has an unconventional layout with the bathroom and one of its two bedrooms located on the ground floor. The staircase leads from the ground floor bedroom to an open plan kitchen / dining / living area on the first floor off which the second bedroom is located. The absence of a hallway or landing separating rooms, and the location of the bathroom and bedroom on the ground floor, has resulted in an unsatisfactory layout. The ground floor bedroom and combined living / dining area are small and the kitchen is not large enough to also comfortably cater for clothes washing. All in all, the dwelling provides a poorly arranged, small two bedroom unit of accommodation.
9. The view of the appellants is that as they live in the former public house at Plough End their accommodation needs can only be met through a dwelling of similar size. The proposed replacement for the small two bedroom dwelling would be a large three bedroom detached house. It would have a wide hallway, wide first floor landing and each bedroom would have an en-suite bathroom. In addition, the largest bedroom would also have an en-suite dressing room. In my judgement, in order to provide the very generous accommodation described the proposed replacement house would be significantly larger than is necessary to meet what can be considered to be reasonable accommodation needs for a replacement dwelling. On the basis of what I have seen of the existing dwelling, I am not persuaded that the appellants' needs could not be met through alteration, extension and refurbishment of the existing property.

10. The Inspector in the quashed decision agreed with the appellant that a larger dwelling could not be created through extension or alteration because of the limitations of the building's design and the proximity of nearby buildings. However, this finding ignores, for example, the ground floor rooms of the building that do not form part of the dwelling and the space available at first floor level above the rear of the building. Both could be used to extend and reconfigure the dwelling.
11. I therefore find that the unsatisfactory layout and size of the existing dwelling could be addressed and a dwelling created that meets modern accommodation needs by internal alterations and extending the accommodation to create a larger residential unit. For the reasons given above, I therefore conclude that the proposed development would be contrary to criterion A. ii of policy SWDP 18.

Character and appearance

12. Corse Lawn is a small settlement in the open countryside characterised by sporadic linear development set well back from the road behind wide areas of grassland. Although there are some bungalows from the latter part of the twentieth century beyond the brook to the south of the appeal site, there are sufficient older buildings, including Ploughs End and its associated buildings, the school and houses to the north, to ensure that the settlement has a distinctly bucolic character.
13. The Annexe is redolent of the former use of Plough End as a public house and is subservient in height to it. Whilst it stands forward of the house, in conjunction with the outbuildings on the appeal site, it serves to form a courtyard. As a result, together with these other buildings, it adds variety and interest to the streetscene and makes a positive contribution to the character and appearance of the area.
14. Policy SWDP 18 A iii. governs the size of a replacement dwelling. It requires that replacement dwellings are not disproportionately larger than the existing dwelling and that the replacement will not exceed the size of the footprint of the original by more than 30%.
15. In relation to whether the proposal would be disproportionately larger, the existing dwelling only occupies a part of the building in which it is located. The building has a narrow rectangular plan form and is part two storey with a significant part of its footprint occupied by a single storey.
16. The proposed replacement dwelling would be a large three bedroom detached property with a rectangular plan that would be a full two storeys in height. The Council states that it would be 5.9m wider than the building within which the existing dwelling occupies a part and 1m taller. This has not been challenged by the appellants and I have no reason to disagree with these measurements. On this basis it is clear to me that with no single storey element, a greater depth and height, and the existing building being only partly in residential use, the replacement dwelling would be disproportionately larger than the dwelling it would replace.
17. In accordance with the appellants' position, as set out in paragraph 19 (below), I have also assessed the scale of the proposed replacement building as if the whole of the existing building was occupied by the dwelling. I consider that the increase in depth, built form at first floor level and height are, on their own, sufficient for me to conclude that the replacement dwelling would be

disproportionately larger than the existing dwelling in conflict with the first part of Policy SWDP 18 A.iii.

18. I note that the Inspector in the quashed decision, in agreement with the appellant, found the opposite to be true. However, his assessment was based on the Annexe being 2 storeys tall, which it is only in part. This difference is sufficient to differentiate our findings in relation to this matter. To my mind, given the value of the single storey outbuilding that would be demolished to the character and appearance of the area, the reduction in built development on the site resulting from its demolition would not help offset the increase in scale of the replacement dwelling.
19. In terms of footprint, the extent of the footprint of the existing dwelling is defined in the plan attached to the CoLEUD and measures 44sqm. On this basis, the footprint of the proposed replacement dwelling would be over 100% larger, contrary to policy SWDP 18 A iii. However, the appellant states that the rest of the ground floor is in ancillary residential use to the main house and that without planning permission it could be added to the dwelling in the Annexe, increasing its footprint considerably. The Council has not refuted this possibility. I am satisfied should permission be refused that such an eventuality is likely to occur. Consequently, I attach significant weight to this as a consideration.
20. The position of the Council is that if the proposal was assessed on this basis that the replacement house would have a footprint 31% larger than the dwelling, in breach of policy. The previous appeal decision was quashed because the Inspector agreed he had wrongly concluded that the 30% limit would not be exceeded. However, the appellant still states the increase in footprint would be within the 30% limit. It seems to me, on the basis of the evidence that has been submitted, that on the balance of probabilities the 30% limit has been exceeded.
21. Even if I had found differently in relation to the increase in footprint and concluded that the increase in footprint was no more than 30%, this measure of the size of a property does not take into account the difference in storeys and height, and is only one part of criterion iii. For the reasons given above, I have found that the replacement dwelling would be disproportionately larger, contrary to the other limb of this criterion. As the proposal needs to pass both limbs, it would therefore still be contrary to policy SWDP 18 A iii.
22. The proposed replacement house would be set further back than the house at Ploughs End and parallel to it. As a result, it would occupy a different position on the appeal site than the existing dwelling. Its development would require the demolition of the building containing the dwelling and a wide single storey wooden framed building. Whilst in isolation it would be an attractive house with features and external materials that would complement development in the area, it would result in a conventional residential pattern of development. As a result, the variety and interest provided by the building containing the existing dwelling and the wooden building referred to would be lost. Consequently, I do not consider that there are visual grounds to justify an alternative location to the footprint of the existing building. The proposed development would therefore be contrary to criterion iv. of policy SWDP 18.
23. I recognise that the previous Inspector did not refer to the arrangement of the buildings that would be replaced as having any particular merit and that their removal and replacement by the proposed dwelling in a more conventional

position would, to a degree, visually improve the landscape. The appellant concurs with this view. However, assessing the contribution of existing development to the character and appearance of an area and assessing the quality of a proposal in design terms is a matter of planning judgement. For the reasons that I have given above, I disagree with the last Inspector.

24. In terms of curtilage, the existing dwelling as defined on the CoLEUD has none. It appears that the proposed replacement dwelling would utilise land that forms part of the curtilage to Plough End. As a result, the curtilage of the proposed replacement dwelling would be larger than that of the existing dwelling, and so would be contrary to criterion v. of policy SWDP 18. However, in my judgement, this conflict is outweighed by the need, in accordance with a core planning principle of the Framework, for a dwelling to provide a good standard of amenity for future residents. To that end, in order to provide private outdoor amenity space, the proposed residential curtilage is necessary.
25. As the scheme proposes the demolition of the building containing the existing dwelling it complies with criterion vi. of policy SWDP 18. This matter could be secured by the attachment of a suitably worded condition.
26. Taking all these matters into account, I therefore conclude that the proposed replacement, in terms of location and size would demonstrably harm the character and appearance of the area. The scheme would therefore be contrary to policies SWDP18 and SWDP 21 and a core planning principle of the Framework which seeks high quality design. Policy SWDP 21 requires the protection of the character and appearance of a locality through high quality design that respects local design features.
27. My attention has been drawn to two schemes for replacement dwellings that were granted permission either by the Council or on appeal¹. Both have been cited to support the position of the appellants that the whole of the ground floor should be treated as the footprint of the dwelling. As I have agreed that as a fall back position the whole of the ground floor could be added to the dwelling, these decisions have not altered my findings in relation to this appeal.

Conclusion

28. For the reasons given above, and having regard to all other matters raised, the appeal should be dismissed. In reaching this decision the views of local residents, including the Parish Council, have been taken into account.

Ian Radcliffe

Inspector

¹ References APOP/J1860/A/12/2177088, 13/01596/FUL