
Appeal Decision

Site visit made on 24 July 2017

by K Ford BSocSc (Hons) MSc MRTPI

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

Decision date: 5th September 2017

Appeal Ref: APP/W1850/W/17/3173687
179 Whitecross Road, Hereford HR4 0LT

- 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 Phin Leng against the decision of Herefordshire Council.
 - The application Ref 170215, dated 24 January 2017, was refused by notice dated 21 March 2017.
 - The development proposed is conversion of existing outbuilding into new residential accommodation.
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Decision

1. The appeal is dismissed.

Main Issue

2. The main issue is whether the proposal would provide acceptable living conditions for existing and future occupiers, with regard to outdoor amenity space and overlooking.

Reasons

3. The appeal site contains a detached double garage to the rear of a large detached property, 179 Whitecross Road. The site is accessed via a gap between No 179 and Cheslyn, No 181 which is a Grade II Listed Building. The proposal is to convert the garage into a one bedroom dwelling and sub-divide the adjoining garden at No 179 to provide amenity space for the proposal.
4. Although wider than some of the gardens elsewhere in the road the existing garden at No 179 is shorter than neighbouring properties because of the length of the dwelling. The Council has not set minimum space standards for amenity space however, given the size of No 179 I do not consider that the amount of amenity space that would remain would be adequate for the occupiers of this property. This is because the property is a house in multiple occupation and so is likely to be used more intensively than if it were occupied by a family. This is also likely to intensify the use of the garden. Similarly, the amenity space for the proposal would also be too small.
5. No 179 is a 2 storey property and consequently regardless of the boundary treatment used the position of the amenity space for the proposal would mean that it would be subject to direct overlooking by the occupants of No 179. This harm would be increased by virtue of the property being a house in multiple occupation and so the rooms on the upper floors are more likely to be

intensively used. The proposal would therefore conflict with Policy SD1 of the Herefordshire Local Plan which requires development proposals to safeguard residential amenity for existing and proposed residents.

Other Matters

6. The proposal would abut the boundary of a Grade II Listed Building. As the structure is already in place and the development would result in minor external alterations to the doors and windows which are on the opposite side of the building to the Listed Building the changes to the appearance and the change of use of that would be created by the development would not harm the setting of the Listed Building.
7. I note that the Council acknowledges a lack of 5 year housing supply with the supply currently being 4.39 years. This requires the proposal to be considered in the context of a presumption in favour of sustainable development. Whilst the proposal makes a positive contribution to housing provision in a sustainable location, would be an efficient use of land, and being smaller in size would provide lower cost accommodation, the impacts of the proposal in terms of the effect on the living conditions of existing and future occupants significantly and demonstrably outweigh the benefits that a single dwelling would make to the housing land supply of the district.

Conclusion

8. For the reasons outlined above, and having regard to all other matters raised the appeal is dismissed.

K Ford

INSPECTOR