
Appeal Decision

Site visit made on 30 August 2017

by I Radcliffe BSc(Hons) MRTPI MCIEH DMS

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

Decision date: 8th September 2017

Appeal Ref: APP/D1835/W/17/3177887

84 Glenthorne Avenue, Worcester WR4 9TT

- 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 Tony Holloway against the decision of Worcester City Council.
 - The application Ref P16H0557, dated 15 November 2016, was refused by notice dated 20 March 2017.
 - The development proposed is a three bedroom dwelling.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues in this appeal are;
 - the effect of the proposed development on the living conditions of the occupiers of 84 Glenthorne Avenue with regard to sunlight, noise and disturbance, and, whether the scheme would provide acceptable living conditions for future occupiers of the proposed house with regard to outlook, noise and disturbance; and,
 - the effect of the proposed development on the character and appearance of the area.

Reasons

Living conditions

Sunlight

3. No 84 occupies a corner plot and the proposed dwelling would be built on land to the side of the house. As a result, if the proposed development went ahead the only private amenity space that would remain serving No 84 would be its garden directly to the rear of the house. Immediately by the rear elevation of No 84 is a patio with a table and chairs. It is clear therefore that this part of the rear garden is of high amenity value. The patio currently benefits from sunlight throughout the day owing to its south facing orientation. The proposed house, which would be attached to the side of No 84, would enclose to two storeys in height the side of the patio and extend approximately 4m to the rear of No 84. As a result, it would overshadow the patio during the early part of the day and result in lower levels of sunlight than it is reasonable to expect.

Outlook

4. There would be a view along the Avenue from bedroom two of the proposed dwelling. However, the marked setback of the proposed house from the front elevation of No 84 would result in the flank wall of the host property enclosing the window to this room to a considerable degree. As a result, the outlook from this room would be oppressive.

Noise and disturbance

5. A parking area for four vehicles serving No 84 and the proposed dwelling would be located to the side of the houses. This would result in the passage of cars at an angle across the front of both dwellings. However, the number of vehicle movements generated by the two houses would be too few and too infrequent for this to result in levels of noise and disturbance that would harm living conditions.

Conclusion on living conditions

6. Notwithstanding my favourable findings in relation to noise and disturbance, this does not negate the unacceptable harm that would be caused to living conditions by virtue of overshadowing and poor outlook described above. The proposed development would therefore be contrary to policy SWDP 21, which among other matters, seeks adequate levels of sunlight and outlook. It would also be contrary to core planning principle of the National Planning Policy Framework ('the Framework') which seeks a good standard of residential amenity for all existing and future occupants of land and buildings.

Character and appearance

7. The appeal property is located within a housing estate characterised by hipped roofed semi-detached houses set back from the highway behind shallow front gardens. Houses are separated by gaps that vary in width from approximately 3m to approximately 7m. No 84 occupies a plot on the outside corner of the Avenue. As a result, the gap of approximately 6m separating the front corners of the houses at No 84 and 86 widens considerably to the rear.
8. The proposed dwelling would be attached to the side of No 84. In height, roof form and architectural detail, the proposed house would complement the existing dwelling at No 84. Its staggered setback from the front elevation of No 84 would also maintain the existing separation distance between Nos 84 and 86. In addition, the staggered setback would prevent the proposal from dominating the existing house or unbalancing to a harmful degree the semi-detached pair of houses of which No 84 forms a part. As a result, whilst there would be an increase in built development, the proposed house would complement the rhythm of development that characterises the estate and it would not appear cramped within the site.
9. Taking all these matters into account, I therefore conclude that the proposed development would integrate with the existing urban form and would not dominate the existing house. As a result, it would complement the character and appearance of the area and accord in this regard with policy SWDP 21 of the South Worcestershire Development Plan. This policy seeks high quality design that in addition to protecting living conditions requires that development integrates with its surroundings.

Conclusion

10. Although the proposed development would complement the character and appearance of the area, it would cause unacceptable harm to living conditions,

contrary to the development plan and the Framework. As a result, it would not constitute a sustainable development. The appeal should therefore be dismissed.

Ian Radcliffe

Inspector