
Appeal Decision

Site visit made on 22 August 2017

by D Boffin BSc (Hons) DipTP MRTPI Dip Bldg Cons (RICS) IHBC

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

Decision date: 11 September 2017

Appeal Ref: APP/H1840/W/17/3175345

12 Priors Walk, Pershore, Worcestershire WR10 1LQ

- 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 Mrs D Russell against the decision of Wychavon District Council.
 - The application Ref W/16/02364/OU, dated 2 November 2016, was refused by notice dated 13 February 2017.
 - The development proposed is a two storey, two bedroom dwelling adjacent to 12 Priors Walk and new access.
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Decision

1. The appeal is allowed and planning permission is granted for a two storey, two bedroom dwelling and new access at 12 Priors Walk, Pershore, Worcestershire WR10 1LQ in accordance with the terms of the application, Ref W/16/02364/OU, dated 2 November 2016, subject to the conditions in the attached schedule.

Preliminary Matters

2. I have altered the description of development in the formal decision to remove reference to the address which is not an act of development.
3. Notwithstanding the detail shown on the planning application form the Council have stated that the planning application was submitted in outline form with landscaping as the only reserved matter. The Council dealt with it on this basis and so shall I.

Main Issue

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

Reasons

5. The appeal site currently forms part of the garden associated with 12 Priors Walk (No 12) an end of terrace dwelling. The dwelling is aligned to front Abbots Road with its side elevation facing Priors Walk which is formed of public footpaths and a large landscaped area of open space. There are a number of instances in the immediate vicinity where the dwellings are aligned in a similar way. No 12 has a generous garden area adjacent to Priors Walk.
6. The majority of dwellings in the immediate vicinity of the appeal site are semi-detached or terraced and form part of a post-war development known as the Abbey Estate. Within this area there are a number of generously sized open

space areas, landscaped road verges and numerous dwellings that have an appreciable amount of space around them. Consequently, this gives the area an open and spacious feel.

7. The proposed dwelling would be 2-storey, attached to No 12 and constructed in materials and of an architectural style that would reflect those used locally. It would be slightly set back from the front wall of No 12 and the plot would be a similar width to those of other dwellings in the immediate surroundings. The dwelling would extend the terrace towards Priors Walk and as such the openness provided by the garden area to No 12 would be reduced.
8. However, appreciably sized areas would remain at the front of the proposal and between the dwelling and the site boundary with Priors Walk. Moreover, No 12 would retain a generous sized garden adjacent to 10 Priors Walk and the landscaped area on Priors Walk would be unaffected. Consequently, there would be ample space around the dwelling to enable it to sit comfortably within the appeal site, in keeping with the spacious character of its surroundings. As a result, the dwelling would not appear unduly 'cramped' or incongruous in relation to its surroundings.
9. A number of developments that have been approved or built within Abbey Estate, including appeal decisions¹, have been drawn to my attention. Whilst, each of these proposals does reduce the openness of the estate they are limited in number and sufficient space remains or would remain around each one to ensure it does not or would not adversely affect local distinctiveness. As such, when considered either individually or cumulatively, with the appeal proposal, the open and spacious character and appearance of the area would not substantially alter. In any case, I am required to determine the appeal on its own merits.
10. Taking into account all of the above the proposed development would not harm the character and appearance of the area. As such, it would comply with Policy SWDP 21 of the South Worcestershire Development Plan which, amongst other things, seeks development that is of a high design quality and reinforces local distinctiveness. It would also comply with section 7 of the National Planning Policy Framework (the Framework) which, amongst other things, requires good design and seeks to ensure that development responds to the local character and reflects the identity of the local surroundings.

Other matter

11. The Council have stated that they can demonstrate a 5 year housing land supply (HLS) and this is not disputed by the appellant. However, the existence of a HLS does not mean that further housing should necessarily be refused as the HLS is a minimum provision, not a target.

Conditions

12. I have considered the conditions put forward by the Council against the requirements of the Planning Practice Guidance and the Framework. In the interests of conciseness and enforceability the wording of some of the conditions has been amended.

¹ APP/H1840/A/10/2132460 and APP/H1840/W/16/3148215

13. Conditions relating to the definition and submission of reserved matters, commencement and approved plans have been imposed to comply with legislation and in the interests of certainty. I have consolidated the Council's suggested conditions Nos 3, 4 and 5 into one condition to avoid duplication and confusion. The resultant condition (No 4) is required in the interests of highway safety.
14. In the interests of amenity it is necessary to impose conditions on hours of construction and delivery. In the interests of the delivery of low carbon/renewable energy and safeguarding natural resources I have imposed condition No 6. A condition requiring implementation of the details contained in the appellant's submitted Water Management Statement is necessary to ensure that a sustainable drainage system is provided to serve the development and to reduce the consumption of water.
15. I have not imposed the Council's suggested condition No 7 as the details would be required as part of the reserved matters and the Council has control over the details to be submitted. As such the condition is not necessary.

Conclusion

16. For the above reasons, and taking account of all other matters raised, I conclude that the appeal should be allowed subject to the conditions discussed above and set out in the attached schedule.

D. Boffin

INSPECTOR

-Attached Schedule-

SCHEDULE OF CONDITIONS

- 1) Application for approval of the reserved matters shall be made to the local planning authority not later than 3 years from the date of this permission. The development hereby permitted shall take place not later than 2 years from the date of approval of the last of the reserved matters to be approved.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans: 1:1250 scale Location Plan; 16397.1 and 16397.2
- 3) Details of the landscaping (hereinafter called "the reserved matters") shall be submitted to and approved in writing by the local planning authority before any development takes place and the development shall be carried out as approved.
- 4) The dwelling hereby permitted shall not be occupied until the vehicular access and parking area shown on the approved plans has been provided and made available for use, in accordance with details (of construction, surfacing, visibility splays and drainage) which have first been submitted to and approved in writing by the local planning authority. These areas shall be retained thereafter and kept available for vehicle access and parking at all times.
- 5) Demolition, clearance or construction works and deliveries, to and from the site, in connection with the development hereby approved shall take place only between 08.00 and 18.00 on Mondays to Fridays, 08.00 and 13.00 on Saturdays and shall not take place at any time on Sundays or on Bank or Public Holidays.
- 6) Before the first occupation of the development hereby permitted, details of renewable and/or low carbon energy generation measures to be incorporated in the scheme shall be submitted to and approved in writing by the Local Planning Authority. The measures shall contribute to at least 10% of the predicted energy requirements of the development. The details to be submitted shall include:-
 - the overall predicted energy requirements of the approved development;
 - the predicted energy generation from the proposed renewable/low carbon energy measures; and
 - an implementation timetable for the proposed measures.The development shall be carried out in accordance with the approved details.
- 7) Prior to the occupation of the development hereby permitted, the details set out in the submitted Water Management Statement shall be fully implemented and retained thereafter.