The Planning Inspectorate

Appeal Decision

Site visit made on 15 August 2015

by M Aqbal BA (Hons) DipTP MRTPI

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

Decision date: 12 December 2017

Appeal Ref: APP/J1860/W/17/3173675
Shrubb Hill Villa, B4202 Clows Top, Clows Top DY14 9HR

- 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 Bruce Kidson, ZannaB Limited against the decision of Malvern Hills District Council.
- The application Ref 16/01709/FUL, dated 21 November 2016, was refused by notice dated 16 February 2017.
- The development proposed is erection of two semi-detached dwellings.

Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are the effect of the proposed development on the character and appearance of the surrounding area, the effect of the proposed development on the living conditions of future occupiers in respect of the quantity and quality of private amenity space, and whether the proposed development makes appropriate provision for foul drainage.

Reasons

Character and appearance

3. The appeal site lies on the outskirts of the village of Clows Top along the B4202 and comprises an irregular shaped overgrown area of land immediately to the west of Shrubb Hill Villa, which is a detached two storey cottage of traditional design and construction, fronting the highway.

4. From the highway to its rear boundary the landform of the appeal site falls by approximately 4 metres. The proposed scheme, which comprises a pair of three bedroom dwellings, has been designed to take advantage of the sloping site and views over the valley to the rear of the site. When viewed from the front the dwellings would appear as a pair of bungalows. However, when seen from the rear the full extent of the three-storey design would be apparent. In order to appreciate the views of the valley and for solar gain and daylight the rear elevations of the proposed dwellings incorporate large expanses of glazing along the two top floors of the buildings.

5. Development along the B4202 generally encompasses two storey dwellings in a range of traditional pitched and hipped roof forms, with mainly brick or

rendered walls and tile or slate roofs. Dwellings nearest the appeal site are older cottage and villa style buildings.

6. The proposed dwellings have been designed as a pavilion with space around them in the countryside and not frontage buildings. However, in my judgement, due to their siting adjacent to Shrub Hill Villa, combined width, the creation of an opening to facilitate the new driveway and orientation to face the B4202, the proposed dwellings would form part of the streetscene.

7. However, in stark contrast to the prevailing traditional vernacular along the B4202 the proposed dwellings would be intentionally contemporary in design and appearance. This includes their cedar clad asymmetrical forms with particularly elongated flat roofs surmounted with vertically angled solar panels. The design would also lack traditional eaves and verge detailing.

8. In my view the proposed design and form would be too far removed from the character and appearance of existing dwellings in close proximity to the appeal site, which whilst varied in type and style are of a more traditional ilk and construction. Therefore the proposal would not reinforce local distinctiveness. I acknowledge that the proposals are a bespoke design arising from the constraints and opportunities associated with the appeal site and whilst policy SWDP 21 of the South Worcestershire Development Plan (SWDP) supports innovative design, this is subject to the development enhancing the overall quality of the built environment.

9. I am also mindful that the National Planning Policy Framework (the Framework) advises against imposing architectural styles and stifling innovation or requiring conformity to certain development forms or styles. However, the Framework also sets out that it is proper to seek to promote or reinforce local distinctiveness.

10. The proposed development also includes small-scale renewable energy provision. The Framework supports proposals which promote high levels of sustainability. However, in this particular case the arrangement of the proposed solar panels has not been mitigated by good design.

11. The Council has also raised concerns over the impact of the proposed development on the landscape characteristics of the surrounding area. However, I note that the Council has no objections in principle to development at this site and the proposed scheme would be integrated into the landscape by making use of the topography of the site. I therefore find no conflict with policy SWDP 25 of the SWDP, which requires development to be appropriate and to integrate with its landscape setting.

12. For the reasons set out above, I conclude that the proposal by virtue of its unconventional design and form would result in an incongruous feature that would be harmful to the character and appearance of the surrounding area and therefore conflicts with the design aims of policy SWDP 21 of the SWDP and the Framework.

Living conditions

13. The proposed private amenity space to the new dwellings would be smaller in size relative to garden areas associated with the majority of nearby dwellings. However, it would appear from the evidence before me that there is a significant variance in the size of private amenity areas attached to dwellings

within Clows Top as a whole, with a number of other similarly sized private gardens.

14. Furthermore, I have not been made aware of any specific standards in respect of amenity space for new dwellings. The proposed amenity areas would be located principally to the rear of the proposed dwellings and therefore would be easily accessible and subject to boundary treatments would be secure and private. I also note that the proposed amenity areas are regular in shape, which would make them useable. Overall, the sizes of the proposed amenity areas would be capable of facilitating different activities associated with a family dwelling.

15. The proposed amenity areas would be on lower ground relative to the new dwellings. However, this relationship would not result in any undue overbearing impact on proposed amenity areas, which are of an acceptable size and would be mostly surrounded by open countryside.

16. For the above reasons the proposed development would secure a good standard of private amenity space for future occupiers of the proposed dwellings in accordance with policy SWDP 21 of the SWDP and paragraph 17 of the Framework.

Foul drainage

17. Policy SWDP 30 of the SWDP, requires all development to demonstrate adequate water treatment facilities and also states that development proposals in areas where there is no mains foul drainage should consider the hierarchy of drainage options set out in the Planning Practice Guidance (PPG), which includes the use of package sewage treatment plants.

18. The appellant has suggested two options for the treatment of foul drainage, which include a sewage treatment plant, subject to porosity testing or alternatively the installation of cesspools along the front of the site.

19. The appellant's agent suggests that during the planning application stage the Council failed to request any further information or clarify if the details of foul drainage could be reserved for subsequent approval by condition. Notwithstanding this, the PPG states that applications for developments relying on anything other than connection to a public sewage treatment plant should be supported by sufficient information to understand the potential implications for the water environment. In this case no detailed information is provided for either option. Therefore, I am not persuaded that satisfactory foul drainage arrangements for the site have been demonstrated. Consequently, I find conflict with policy SWDP 30.

Other Matters

20. The appellant suggests that the Council does not have a five-year supply of deliverable housing land. Therefore, relevant policies for the supply of housing should not be considered up-to-date. Accordingly, Paragraph 14 of the Framework requires permission to be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole. However, in this particular case, I have not been provided any significant evidence to demonstrate that currently the Council does not have a five-year supply of deliverable housing land. Nonetheless, even if I were to conclude there is a

shortfall in five-year supply and that relevant policies for the supply of housing should not be considered up-to-date, the adverse impacts of granting permission, which I have already identified, would significantly and demonstrably outweigh any benefits arising from the provision of two dwellings.

Conclusion

21. Whilst I have found that the proposed scheme would provide adequate private amenity space for future occupiers, this does not outweigh the harm arising from the proposal as set out above and conflict with the development plan as a whole.

22. For the reasons set out above, I dismiss this appeal.

INSPECTOR

M Aqbal