
Appeal Decision

Site visit made on 5 June 2018

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

an Inspector appointed by the Secretary of State

Decision date: 25 June 2018

Appeal Ref: APP/H1840/W/18/3196205

Verona, Abberton Road, Bishampton WR10 2LU

- 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 S Wallace against the decision of Wychavon District Council.
 - The application Ref 17/01104/FUL, dated 29 May 2017, was refused by notice dated 18 October 2017.
 - The development proposed is the construction of a detached dwelling.
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Decision

1. The appeal is dismissed.

Preliminary Matter

2. I have altered the description of the proposal, in the banner heading above, to delete the reference to its address as this is not an act of development.
3. The Council have brought to my attention that it has adopted the Design Guide Supplementary Planning Document (SPD) in March 2018. The appellant has had the opportunity to comment on this information and he is therefore not prejudiced by my consideration of it. It is incumbent on me to take into account the most relevant and up to date information in reaching a decision and I have therefore dealt with the appeal on this basis.

Main Issues

4. The main issues are:-
 - The effect on the character and appearance of the area; and
 - The effect on the living conditions of future occupiers of the proposal with regard to outlook and external private amenity space.

Reasons

Character and appearance

5. The appeal site comprises part of the rear garden associated with Verona. That dwelling is situated adjacent to the junction of Abberton Road and Green Leys and as such the front and a side elevation face the highway. Due to the topography Green Leys slopes up away from its junction with Abberton Road. As a result the appeal site is at a higher level to Verona.
6. The majority of dwellings on this side of Abberton Road in the immediate vicinity of the site are set back from the road and have generous rear gardens.

The properties on Green Leys are large detached dwellings that have appreciable sized open plan front gardens. These features give this part of Bishampton an open and spacious character and appearance, which is further enhanced by the presence of established trees and hedges within gardens.

7. This is particularly evident when looking across the appeal site towards the rear of the dwellings on Abberton Road from Green Leys, where the generous, rear garden areas can be seen from public viewpoints in the highway. There are outbuildings within the rear gardens but they are single storey and of relatively modest proportions.
8. The proposed dwelling would be detached with accommodation and dormer windows in the roofspace and further accommodation at basement level. There would be a greater separation distance between the dwelling and Verona than there is between some existing properties in the immediate vicinity. Nevertheless, even with the amendment to the northern boundary the confines of the site would result in the north, west and east elevations of the proposal being in close proximity to the front, rear and a side boundary of the site. Overall, the dwelling would have considerably less space around it, in relation to its own garden/parking areas, than is typical for this part of Bishampton. As a result, it would appear cramped in comparison with adjacent properties and the sense of spaciousness would be significantly eroded. Whilst the existing fence would screen part of the dwelling it would still be clearly discernible from Green Leys.
9. Moreover, it would appear that the main elevation would face south and not towards Green Leys. Whereas, the majority of dwellings in the surrounding area have their main elevation facing the highway. This would emphasise the incongruity of the proposal.
10. I acknowledge that the architectural style and materials to be used would be sympathetic to the character and appearance of the area. However, the lack of harm in these respects is a neutral consideration that does not weigh for or against the proposal.
11. Taking into account all of the above, I consider that the proposal would result in significant harm to the character and appearance of the area. It follows that the proposal would be contrary to Policy SWDP 21 of the South Worcestershire Development Plan (SWDP). This policy seeks, amongst other things, development that integrates effectively with its surroundings and complements the character of the area. The proposal would also not comply with guidance in the SPD which, amongst other things states that new development must relate well, functionally and visually to the site and its setting.

Living conditions

12. The basement level of the dwelling would accommodate 2 bedrooms. The only outlook from either bedroom would be through windows that would appear to be below the level of the decked areas the appellant has stated would be surrounding the dwelling. It is not clear from the submitted evidence how close any retaining structures would be to those windows. The appellant has also stated that areas under the decking would act as storage areas for cycles and other items. Whilst the lightwells within the decked areas would ensure sufficient daylight was received within each of the bedrooms the restrictive outlook would lead to an overbearing sense of enclosure. This would be

significantly harmful to the living conditions of future occupiers. Even though, the appellant has stated that he would be willing to accept this limited outlook it is likely that the property would be sold and occupied by other parties at some time in the future.

13. As stated above, the dwelling would have limited space around it to provide private amenity areas. The space would also include parking for vehicles. Little detail is indicated within the submitted evidence of how the parking and amenity areas would be laid out. Nonetheless, it is apparent that the appellant has considered how to maximise the use of a small space through storage under the decked areas. Landscaping could be utilised to minimise the visual impact of vehicles parked at the southern end of the site and to increase the privacy of the garden area.
14. The SPD states that all development must provide some form of private amenity space and that all family homes require a private garden that is sufficiently sized to allow for seating and play. The garden area between the dwelling and the parking area would not be generous but it would be of sufficient size to allow for seating and limited play. The detail of the parking layout and landscaping could be required by planning condition if I was minded to allow the appeal. As such, in this respect the proposal would comply with the guidance in the SPD.
15. Nevertheless, I have found that the proposal would be significantly harmful to the living conditions of future occupiers due to the restrictive outlook from the 2 basement bedrooms. Consequently, in this respect the proposal would conflict with SWDP Policy SWDP 21 which, amongst other things, seeks development that should provide an adequate level of outlook.

Other matters

16. The appellant has drawn my attention to other developments that have been built or approved in the area. However, I do not have the full details of the circumstances that led to these proposals being accepted and so cannot be sure that they represent a direct parallel to the appeal proposal. Furthermore, I noted at my site visit that none of them appear to be directly comparable to the appeal case and nothing that I saw persuaded me that the development subject of this appeal is acceptable in this location. Moreover, since the matter under consideration in this appeal is specific to the site and its immediate surroundings I have given them limited weight. In any case, I am required to determine the appeal on its own merits.
17. I note the appellant's desire to continue to live in Bishampton the village where he was born. Furthermore, the dwelling would be for him and his son to live in. However, whilst I have sympathy with these personal circumstances I do not consider that they outweigh the conflict with the development plan.
18. The appellant has expressed concern regarding the Council's procedures and staffing issues during the determination of the application and difficulties communicating with the Council. However, these are not matters for my consideration in the context of this appeal decision.
19. There is no dispute that the principle of residential development is acceptable subject to compliance with other policy considerations and that the appeal site is in a relatively accessible location. The dwelling would have a social role by

making a small contribution to the housing supply. The provision of a dwelling would have limited social and economic benefits through its construction and occupation. The dwelling would be built incorporating a high level of renewable energy measures.

20. The Council did not object to the proposal in relation to flood risk and privacy of neighbouring occupiers. Nonetheless, the lack of harm in these respects is a neutral consideration that does not weigh for or against the proposal.

Conclusion

21. The harm that would be caused to the character and appearance of the area and the living conditions of the future occupiers leads me to conclude that the proposal would conflict with the development plan as a whole. In accordance with S38(6) of the Planning and Compensation Act 2004, and as set out in paragraph 12 of the Framework, development which conflicts with the development plan should be refused unless other material considerations indicate otherwise. I recognise that there are benefits associated with the proposed development. Nevertheless, there are no material considerations of such weight to lead me to the conclusion that the proposal should be determined other than in accordance with the development plan.
22. For these reasons, and having had regard to all other matters raised, I conclude that the appeal should be dismissed.

D. Boffin

INSPECTOR