The Planning Inspectorate

Appeal Decision

Site visit made on 5 June 2018

by Andrew Dawe BSc(Hons) MSc MPhil MRTPI

an Inspector appointed by the Secretary of State

Decision date: 26 June 2018

Appeal Ref: APP/J1860/W/18/3194119
Skelmorlie, Peachley Lane, Lower Broadheath, Worcs.

- 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 & Mrs Huxley against the decision of Malvern Hills District Council.
- The application Ref 17/01307/FUL, dated 10 August 2017, was refused by notice dated 17 November 2017.
- The development proposed is conversion with alterations to form dwelling (& demolition of existing utility room).

Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are:

   i) whether or not the proposal would be in a suitable location for a dwelling, having regard to the development plan objectives relating to development strategy and to national policy;

   ii) the effect of the proposed development on the living conditions of the residents of Skelmorlie, and also whether it would provide acceptable living conditions for its prospective occupiers, with regard to privacy and noise disturbance;

   iii) the effect of the proposed development on the character and appearance of the surrounding area.

Reasons

Suitability of location

3. Policy SWDP 2 of the South Worcestershire Development Plan (the SWDP) relates to development strategy and settlement hierarchy and states, amongst other things, the principle of focussing most development on the urban areas, where both housing needs and accessibility to lower-cost public services are greatest. It goes on to state that development in the open countryside, defined as land beyond any settlement boundary, will be strictly controlled and limited to specific categories.

4. The site is currently part of the existing property known as Skelmorlie, and contained within its clearly defined boundaries, separated from the open fields

beyond. Furthermore, having regard to paragraph 55 of the National Planning Policy Framework (the Framework), the proposed dwelling would not be isolated as it would be immediately adjacent to the settlement boundary of Lower Broadheath. There also seems no reason why the appeal proposal should not support existing services and facilities in the village and thus maintain its vitality. Nevertheless, the proposed dwelling and its rear garden would be located outside of the defined settlement boundary, albeit that the driveway would be within it, and, based on the submitted evidence, none of those limited categories of development listed within policy SWDP 2(C) apply to the proposal. As such, in planning policy terms the proposed dwelling would be within the open countryside.

5. I have also had regard to paragraph 17 bullet point 11 of the Framework which states amongst other things that planning should actively manage patterns of growth to make the fullest possible use of public transport, walking and cycling. In this case, access to the limited facilities and services of the village, including church, village hall, recreation ground and primary school and to any bus stops would be via roads, at least initially, without footways and lighting and so would not necessarily be a highly safe route for walking. There would therefore be a likely high reliance on car usage for access to the full range of facilities and services to serve the day to day needs of prospective occupiers, including shops, secondary schools, leisure and health facilities.

6. I note that planning permission was granted for the conversion of the existing garage to ancillary residential accommodation associated with the host dwelling. However, that permission has not been implemented and is now no longer extant, as confirmed by the Council, and in any case would not have resulted in a new dwelling.

7. For the above reasons, I conclude on this issue that the proposal would not be in a suitable location for a dwelling, having regard to the development plan objectives relating to development strategy and to national policy. As such, in respect of this issue, it would be contrary to policy SWDP2 of the SWDP and paragraph 17 bullet point 11 of the Framework.

Living conditions

8. The proposed development would involve comings and goings associated with a separate dwelling, which the occupants of Skelmorlie would therefore be unlikely to have any control over, even if there would be similar levels of usage of the driveway as is currently the case. Such activity would be likely to include that associated with motorised vehicles and people on foot immediately alongside the host dwelling and its private patio area to the rear of the house. That dwelling has habitable room windows close to the driveway that would serve the proposal, both on the side and rear elevations. Despite the proposed construction of a screen wall alongside the drive, the noise from car engines running, car doors slamming and people talking on that driveway area adjacent to the side and rear of the host dwelling and its patio area would be likely to cause a harmful level of disturbance to the residents of that property. That would be likely to be more so in respect of the use of those nearest habitable rooms if early in the morning or late at night.

9. In terms of any noise generated from the host property, cars would be located well away from the proposed dwelling. Furthermore, most outdoor activity at Skelmorlie would be more likely to occur closest to the house on the patio area

and so separated from the proposed dwelling to some extent. Future residents of the proposal would therefore be unlikely to experience unexpected or harmful levels of noise and disturbance relating to the host property.

10. The proposed wall would be likely to prevent a harmful level of overlooking from the driveway to the rear of the host dwelling and its patio area. However, the side ground floor windows serving habitable rooms of the proposed dwelling would be close to the side boundary with the remaining rear garden of the host dwelling. A three bar fence and beach hedge are proposed along that boundary. Not only would that hedge take time to mature so as to provide an effective screen but its long term maintenance or retention could not easily be controlled. That boundary treatment could therefore not be guaranteed to provide sufficient screening to prevent close and significant levels of overlooking from the proposed dwelling to the rear garden of the host dwelling or from that garden to the habitable room windows of the proposed dwelling. Such overlooking would therefore be likely to amount to a harmful loss of privacy to residents of Skelmorlie and an unacceptable level of privacy for prospective occupiers of the proposed dwelling.

11. The proposed velux windows facing the rear garden of Skelmorlie would be unlikely to cause significant levels of overlooking due to their high level above the corresponding floors of the rooms concerned. However, this does not deflect from the harm that I have found would be likely to be caused in privacy terms relating to the ground floor side windows.

12. For the above reasons, I conclude on this issue that the proposed development would be likely to cause unacceptable harm to the living conditions of the residents of Skelmorlie with regard to privacy and noise disturbance, and provide unacceptable living conditions for its prospective occupiers with regard to privacy. As such, in respect of this issue, it would be contrary to policy SWDP 21 of the SWDP which, amongst other things, requires development to provide an adequate level of privacy, and to the Framework which in paragraph 17 states that planning should, amongst other things, always seek to secure a good standard of amenity for all existing and future occupants of land and buildings.

Character and appearance

13. The proposed development would include raising the height and increasing the length of the existing garage building. The design of the building itself whilst not similar to any others locally would nevertheless not appear unusual in the context of the variety of designs and sizes of existing dwellings locally. Furthermore, it would not be a prominent feature of the streetscene or from public vantage points, being set well back from the road. It would relate to a narrow plot, but again this would not be unusual in the locality where there are already a variety of plot widths relating to nearby properties. Neither though is the design of the existing garage unexpected or inappropriate in that existing context and so the proposal would not constitute a material benefit to the character and appearance of the area.

14. For the above reasons, I conclude on this issue that the proposed development would not cause unacceptable harm to the character and appearance of the surrounding area. As such, in respect of this issue, it would accord with policy SWDP 21 of the SWDP which, amongst other things, requires development to be of a high design quality that integrates effectively with its surroundings and

complements the character of the area. In respect of this issue it would also accord with the Framework which in paragraph 17 states that planning should, amongst other things, take account of the different character of different areas and in section 7 relates to requiring good design.

Conclusion

15. I have found that the proposed development would not cause unacceptable harm to the character and appearance of the surrounding area. However, this does not deflect from my conclusions on the first and second main issues that it would not be in a suitable location for a dwelling, having regard to the development plan objectives relating to development strategy and to national policy, that it would be likely to cause unacceptable harm to the living conditions of the residents of Skelmorlie with regard to privacy and noise disturbance, and provide unacceptable living conditions for its prospective occupiers with regard to privacy.

16. The proposed development would have the benefit of adding to the local supply, mix and choice of homes in the area. There would also be likely short term economic benefits relating to the construction phase in terms of jobs, and then ongoing benefits relating to providing potential additional patronage of local services and facilities. However, it is likely that such benefits would be small, relating to the addition of only a single dwelling, and insufficient to outweigh my conclusions relating to the first and second main issues. It would therefore not be a sustainable form of development.

17. For the above reasons, and having taken account of all other matters raised, I conclude that the appeal should be dismissed.

Andrew Dawe

INSPECTOR