
Appeal Decision

Site visit made on 12 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/D/18/3197981

3 Somers Road, Malvern WR14 1HJ

- 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 Nicola Spencer against the decision of Malvern Hills District Council.
 - The application Ref 17/01884/FUL, dated 30 November 2017, was refused by notice dated 26 January 2018.
 - The development proposed is demolition of existing rear extension and side porch and construction of new rear and side extension.
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Decision

1. The appeal is allowed and planning permission is granted for demolition of existing rear extension and side porch and construction of new rear and side extension at 3 Somers Road, Malvern WR14 1HJ in accordance with the terms of the application, Ref 17/01884/FUL, dated 30 November 2017, subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
 - 2) The development hereby permitted shall be carried out in accordance with the following approved plans: 1920 1000, 1920 1100 revision A, 1920 3000B.
 - 3) No development shall commence until details/samples of the materials to be used in the construction of the external surfaces of the extension hereby permitted have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details/samples.
 - 4) No development shall take place until a soakaway test has been carried out in accordance with BRE Digest 365, or such other guidance as may be agreed in writing by the local planning authority. Prior to the first occupation of the development, the results of the test shall be submitted to and approved in writing by the Local Planning Authority and the approved recommendations shall be implemented in full.
 - 5) No development shall take place until details on the location of any proposed soakaway have been submitted to and approved in writing by the local planning authority. Any soakaway shall be located no less than 5 metres from any building or sub-structure and 2 metres from a site boundary. If soakaway drainage is not possible on this site, an alternative

method of surface water disposal shall be submitted for approval. The approved recommendations shall be implemented in full prior to the first occupation of the development.

Main Issue

2. The main issue is whether the proposed development would preserve or enhance the character or appearance of the Trinity Conservation Area (CA).

Reasons

Main issue

3. The site is located in the CA and as such special attention has to be paid to the desirability of preserving or enhancing the character or appearance of the CA. The CA is characterised by a variety of designs, sizes and ages of buildings. That variety of building designs is also reflected within Somers Road which also has a distinctly open and spacious character with dwellings generally set back from the road behind mature front gardens with varying degrees of planting. It is also evident that other properties in the street have had modern extensions to originally traditionally designed pitched roof dwellings, notably Nos 8 and 13. That at No 8, diagonally opposite the site, is particularly prominent within the streetscene, extending well to the side of the original dwelling with a flat roof and modern cladding sheets.
4. The existing dwelling at No 3 is set within a fairly wide plot and has an open front garden enabling clear views of house from the close vicinity, albeit that from the approaches vegetation either side of that property provides varying degrees of screening. The dwelling itself has a pleasant traditional appearance with predominantly stone elevations, pitched, gable ended roofs with the main gables consisting of black painted timbers and render, and white painted window frames.
5. The proposed extension would introduce a distinctly modern addition to the dwelling that would be particularly noticeable on the more exposed east side elevation where it would project alongside a significant part of the original dwelling. However, it would be set back from the main elevation and, as would be the case generally, be separated from the cill level of first floor windows, notwithstanding the proposed raised rooflights on the rear section. On the other side of the house it would be set well back from the front elevation close to the rear of the original dwelling. Furthermore, although of a modern appearance, it would have a simple flat roof design, utilising dark painted timber cladding and metal fenestration, drawing upon the black painted elements of the existing house in its gables. There would also be significant amounts of glazing that would be likely to lighten its appearance to some degree.
6. The design of the extension would therefore enable the main lines and features of the original house, particularly as seen from public vantage points at the front, to be maintained whilst appearing sufficiently subservient to that original building. The degree of set back from the road and varying degrees of vegetation screening to the side of the site would also prevent it from being seen prominently from anywhere other than the close vicinity.
7. These factors, together with the context provided by the variety of designs of buildings within the street, particularly that relating to the extension to No 8

referred to above, would ensure that the proposal, and resulting dwelling as a whole, would not stand out as a jarring, dominant or obtrusive feature of the streetscene. Although it would extend across and beyond the entire width of the existing dwelling at the rear with a strong horizontal emphasis, that main rear element would not be clearly visible in its entirety from public vantage points. In any case, the significant amount of glazing in that elevation would again lighten its appearance and the flat roof, below first floor cill level, with transparent roof lights would enable the upper floor and key gable features of the original rear part of the dwelling to continue to be appreciated. It would also have the benefit of better exposing the largest of the existing original first floor rear windows than is currently the case due to the presence of the pitched roof of the existing extension in front of it.

8. For the above reasons, the proposed development would preserve the character and appearance of the CA. As such, in respect of this issue, it would accord with policies SWDP 6, SWDP 21 and SWDP 24 of the South Worcestershire Development Plan (the SWDP) which together require development proposals to be of a high quality design and to conserve and enhance heritage assets including conservation areas. It would also accord with the National Planning Policy Framework which in paragraph 17 states that planning should, amongst other things, always seek to secure high quality design and take account of the different character of different areas, and in section 12 relates to conserving and enhancing the historic environment.

Conditions

9. The Council has suggested six conditions that it considers would be appropriate were I minded to allow the appeal. I have considered these in the light of advice in the Government's Planning Practice Guidance (PPG). For clarity and to ensure compliance with the PPG, I have amended some of the Council's suggested wordings and omitted one.
10. The standard time condition is required in this case, and for the avoidance of doubt and in the interests of proper planning, a condition requiring that the development is carried out in accordance with the approved plans is also required.
11. In the interests of preserving the character and appearance of the CA a condition to secure details/samples of the materials to be used in the construction of the external surfaces of the extension would be necessary. Furthermore, in order to ensure adequate drainage on the site as a result of the proposal, conditions to secure soakaway testing and details of any proposed soakaways or, if not possible, an alternative method of surface water disposal, would be necessary.
12. Policy SWDP 22 of the SWDP states, amongst other things, that development should, wherever practicable, be designed to enhance biodiversity conservation interests. The Council has suggested a condition to secure biodiversity enhancement measures through the provision of features including a minimum of one bat box. However, I have received no substantive evidence relating to roosting bats in the existing building to indicate that such provision would be beneficial. Furthermore, no other specific enhancement measures have been suggested by the Council and I have received no other evidence to that effect. I therefore consider such a condition would be unnecessary and unreasonable in this case.

Conclusion

13. For the reasons given above, I conclude that the appeal should be allowed.

Andrew Dawe

INSPECTOR