The Planning Inspectorate

Appeal Decision

Site visit made on 5 June 2018

by G P Jones BSc (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 18 July 2018

Appeal Ref: APP/J1860/W/18/3193931
Stanley Road (Land adjacent to 2 Stanley Road and to rear of 41 Madresfield Road), Malvern, Worcestershire WR14 2BN

- 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 and Mrs John Williams against the decision of Malvern Hills District Council.
- The application Ref 17/00461/FUL, dated 15 March 2017, was refused by notice dated 14 August 2017.
- The development proposed is the construction of one new dwelling.

Decision

1. The appeal is dismissed.

Application for costs

2. An application for costs was made by Mr and Mrs John Williams against Malvern Hills District Council. This application is the subject of a separate Decision.

Procedural matters

3. In the banner heading I have included the more detailed address that incorporates the details provided in the 'Description' section of the site address in the application form. The Council has now withdrawn its second reason for refusal that related to highway safety in regard to the access. I shall therefore consider this appeal only on the basis of its first reason for refusal.

Main Issue

4. Taking this into account, the main issue is the effect of the proposal on the character and appearance of the area.

Reasons

5. The proposed new dwelling would occupy what is currently part of the rear garden area of no. 41 Madresfield Road that lies within a large overall plot. The front elevation would face towards Stanley Road and it would be accessed off this road. Although the front elevation would be parallel to the road and in line with the front elevations of nos. 2 and 3 it would appear offset in regard to the west to east orientation of the overall plot. The proposal would remove a section of the boundary wall and thus would open up views into the site.

6. From the submitted plans and my site visit observations it is evident that the dwellings on the north-western side of Stanley Road sit within spacious,

regularly-spaced plots with reasonably-sized front garden areas and driveways, and also large rear gardens. Most, but not all, of these properties have moderate gaps between their respective side elevations. The properties comprising nos. 2 and 3 that lie to the immediate north-east on the same side of the road as the proposed dwelling are significantly smaller in scale and also sit within reasonably spacious plots. Due to its triangular plot shape no. 2, that appeared to be unused at the time of my site visit, has a particularly wide frontage along Stanley Road.

7. In contrast the proposal that is before me would take up much of the width of its plot. This would be exacerbated by the fact that there would not be a significant amount of outdoor space at either the front or the rear, and the angled orientation of the dwelling in relation to its plot layout would add to the sense of enclosure.

8. I agree with the appellants' assertion that the footprint of no. 1 Delamere Road would occupy a greater proportion of its overall plot than would be the case for the proposed development. However, this is primarily due to the rather short rear garden area of no. 1 and there is a gap of a reasonable size between the southern side elevation of this property and the common boundary with no. 45 Madresfield Road. Therefore, unlike the appeal proposal which occupies most of the width of its plot, the presence of this gap means that when viewed from Delamere Road the front elevation of no. 1 would not appear as cramped as that of the proposal.

9. Furthermore, whilst the host property of no. 41 would be left with a spacious side garden area beyond its western flank and in front of this property, the proposed dwelling would be in close proximity to the northern elevation of no. 41. For these reasons I am of the view that the proposal would appear in the street scene as a somewhat cramped form of development.

10. At my site visit I observed that the dwellings within the vicinity of the site comprise a mixture of architectural styles, materials and massing. This includes the more modern design of no. 1 Delamere Road, albeit this dwelling is seen more within the context of the Delamere Road street scene than that of Stanley Road. Despite the variety of architectural styles and building scales the dwellings within the locality exhibit an elegant simplicity of design, with regular fenestration and simple roof forms.

11. In contrast the front elevation of the proposed dwelling would contain a prominent gabled front projection in different materials to the rest of the front elevation, a range of fenestration, hipped dormers of differing sizes and a first floor balcony area on the south-western side elevation with an opaque glazed screen. As such the proposed dwelling would exhibit an overly-complicated and contrived design that, to my mind, would appear conspicuous and detrimentally out of keeping with the more restrained building styles within the existing street scene.

12. A previous appeal[1] for an outline planning application[2] was allowed, but I understand this has now lapsed. The previous Inspector considered the effect of that proposal on the character and appearance of the area would be

[1] Appeal reference J1860/A/13/2195464
[2] Planning application reference 12/01322/OUT

acceptable, although it was noted that detailed design would be considered at the reserved matters stage.

13. Although I do not have the full details of the previous proposal, the Council contends that it was for a chalet bungalow that was of dimensions of 6.7m in height, 9.6m in width and 5.8m in depth as set out in a planning condition. Further to this it was confirmed by the Council that should a reserved matters application be submitted measuring 10m by 6m then officer support would be forthcoming. The Council reports that the current proposal would be 12.8m by 9.3m with the overall height being the same as for the previous proposal. I have no reason to disagree with this.

14. Consequently, based on the dimensions provided by the Council, the footprint of the proposed dwelling would measure some 119m^2. This would be substantially greater than the 60m^2 footprint that the Council had indicated it would support under a reserved matters scheme for the previous outline proposal. The acquisition of land means that the boundary with no. 41 is now slightly further away than was the case with the outline proposal. However, to my mind this would not compensate for the significant difference in footprint between the two schemes. Taking all of this into account I consider that the proposal that is before me would be significantly different from the previous outline scheme and therefore I afford little weight to the previous appeal decision.

15. Overall I consider that the proposed development would give rise to a new dwelling that would appear overly-cramped and incongruous in design when considered in relation to the surrounding street scene. Therefore it would have a detrimental effect on the character and appearance of the area and thus would not accord with Policy SWPD21 of the South Worcestershire Development Plan, adopted 2016. Also since the previous appeal decision was issued the Council has now adopted its South Worcestershire Design Guide Supplementary Planning Document Overarching Design Principles (SPD), adopted March 2018, that provides guidance on design. Collectively, these policies and guidance seek to ensure that development proposals respect local distinctiveness and the character of the area, respect the existing urban grain and have detailing and materials that are appropriate to the context.

Planning balance and conclusion

16. Paragraph 47 of the Framework seeks to boost the supply of housing and paragraph 49 of the Framework presumes in favour of sustainable development. The proposal would have the benefit of increasing the supply of housing, albeit by a very modest amount and the principle for a dwelling on this site has been established in a previous appeal decision. The new dwelling would be in an accessible location for the shops and facilities in Malvern, and it would contain energy efficiency measures. Furthermore, the proposal would have the benefit of removing a section of the existing boundary wall. There would also be some short-term economic benefits arising from the construction operations that the proposed development would entail.

17. However, by virtue of its scale, positioning and elements of its design the proposal would have a detrimental effect on the character and appearance of the area. This is a matter to which I accord a considerable degree of weight. I consider that the harm that I have identified would clearly outweigh the limited

benefits of the proposal. The proposal would therefore not represent a sustainable form of development for which the Framework presumes in favour.

18. For the reasons set out above, and having regard to all other matters raised including other relevant development plan policies, I conclude that the appeal should be dismissed.

GP Jones

INSPECTOR