



Appeal Decision

Site visit made on 9 October 2018

by Andrew Dawe BSc(Hons) MSc MPhil MRTPI

an Inspector appointed by the Secretary of State

Decision date: 26 October 2018

Appeal Ref: APP/J1860/D/18/3198425

Little Carpenters, B4208 Pendock, Pendock GL19 3PH

- 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 M Cale against the decision of Malvern Hills District Council.
 - The application Ref 17/01838/HP, dated 22 November 2017, was refused by notice dated 19 February 2018.
 - The development proposed is replacement of poor quality single storey extension with new one & half storey extension.
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Decision

1. The appeal is allowed and planning permission is granted for replacement of poor quality single storey extension with new one & half storey extension at Little Carpenters, B4208 Pendock, Pendock GL19 3PH in accordance with the terms of the application, Ref 17/01838/HP, dated 22 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 materials to be used in the construction of the external surfaces of the development hereby permitted shall match those used in the existing building.
 - 3) The development hereby permitted shall be carried out in accordance with the following approved plans: /01, /SK01 rev E, /SK02 rev F, /SK03 rev G, /SK04 rev F, /SK05 rev C.
 - 4) The proposed demolition works shall take place outside of the main bird nesting season (May to August). Furthermore, two new species appropriate nesting boxes, taking account of the survey findings of the submitted Ecological Assessment Ref Cale 1\Eco Ass.doc dated 20 June 2017 relating to species using the existing nesting sites, shall be installed on the extension hereby permitted, one on each of the south east and north east elevations, prior to the first occupation of that extension and thereafter retained as such.

Procedural Matters

2. The Council, in its decision notice, refers to the South Worcestershire Design Guide Supplementary Planning Document Part 1: Overarching Design Principles (the SPD). I have afforded some weight to that document due to its role in supporting the relevant development plan policy.

3. Since the submission of the appeal, the new revised National Planning Policy Framework (July 2018) (the Framework) has been published which replaces the first version published in 2012. The elements relevant to this appeal, notably, in respect of the main issue, section 12 relating to achieving well-designed places, do not alter the necessary considerations concerning this case.

Main Issue

4. The main issue is the effect of the proposed development on the character and appearance of the host dwelling and the surrounding area.

Reasons

5. The existing dwelling is located in a fairly prominent position clearly visible from the road in front of the site and the close approach from the south along that road. From other vantage points, including the road close by to the south and footpath beyond that to the south, the dwelling can be seen to varying degrees, often screened or softened by intervening hedgerows and trees. From the northern approach along the B4208, it is screened by significant intervening vegetation. The original dwelling has already been significantly extended, notably including a two storey side extension to one side, deeper than the original building but set slightly back from its front elevation.
6. The proposed extension would replace an existing single storey timber and brick clad element which does not clearly relate to the design features of the main dwelling, but nevertheless appears subservient to it due to its fairly modest scale. The proposed extension would be more prominent than that existing element due to its extra height and depth. However, it would be of a similar width to the two storey extension on the opposite side of the house and would be similarly set slightly back from the front elevation and down from the main ridgeline. The depth would also be similar and, like that existing extension, it would have a rear gable end, albeit differing in terms of the introduction of an oak frame into the design.
7. In these respects, the proposal, whilst increasing the size and massing of the dwelling, would, like the existing two storey extension, respect the lines of the original as seen most prominently from the front, and would not appear discordant in the context of the existing design to the rear. Due to those similar aspects of the existing and proposed two storey extensions, it would also bring a fairly balanced appearance to the building's frontage, including in relation to the architectural features and materials, albeit that the proposal would have more front windows than that on the other side.
8. In terms of the relationship with the original relatively modest dwelling, due to the above design factors and the significant extent to which it has already been extended, the proposal would not be an unexpected or jarring addition. Furthermore, there are other existing dwellings and farm buildings in the near vicinity of varying size and design, albeit separated from the site by the intervening road. In that local context the enlarged dwelling would not stand out as being an unusually large or dominant feature when seen from the nearby vantage points and if glimpsed from the road approaching from the west. Additionally, when seen from the south, the extent of the additional massing would not be so apparent, with the existing two storey side extension remaining to the fore and the much more prominent element.

9. The extension, due to its additional height and massing compared with the single storey element it would replace, would to varying degrees screen sight of the Malvern Hills in the distance from the B4208 on the close approach to the site. However, the width of the extension would not be so great as to block views to a significantly greater extent than is already the case with the existing house. Furthermore, any impedance of those views would only be very localised and relatively limited in relation to remaining general views of that landscape from various vantage points in the surrounding area.
10. For the above reasons, the proposed development would not cause unacceptable harm to the character and appearance of the host dwelling and the surrounding area. As such, in respect of this issue, it would accord with policy SWDP21 of the South Worcestershire Development Plan and the SPD which together require all development to be of a high design quality that integrates effectively with its surroundings. In respect of this issue, it would also accord with section 12 of the Framework.

Conditions

11. The Council has suggested five 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 Planning Practice Guidance and amended the wording of one and omitted another.
12. The standard time condition is required in this case. For the avoidance of doubt and in the interests of proper planning, a condition requiring the development to be carried out in accordance with the approved plans would also be necessary. Additionally, in the interests of the character and appearance of the host dwelling and surrounding area a condition would be necessary to ensure that the external surfaces of the proposal match those of the existing building.
13. The Council suggests a condition to secure measures to conserve, protect and enhance biodiversity relating to the site. These relate to an Ecological Assessment (the EA) submitted by the appellant. It identified nesting birds within the existing element of the dwelling, and the guttering above, proposed for removal. It would therefore be reasonable and necessary to prevent demolition works within the main bird nesting season from May to August. Mitigation in the form of appropriate nesting boxes installed on the proposed extension would also be reasonable and necessary. However, I consider that an associated requirement concerning the avoidance of external lighting around the external walls of the proposed extension would be unreasonable and unnecessary. This is because the circumstances in this regard are unlikely to be significantly different to those relating to the existing dwelling, and I have not received any evidence of similar current restrictions.
14. The suggested condition also includes provision for measures to provide bat roosts and associated mitigation relating to lighting on the site. However, the EA found there to be no evidence of bats using the existing single storey element or the loft above the main part of the house. There is therefore not a basis for mitigation of any lost provision. Furthermore, in terms of any potential habitat enhancement, I have received no substantive evidence relating to bats using this location and as to whether the bat tube referred to would therefore be likely to be utilised. In those circumstances it would be

unreasonable and unnecessary to secure by condition measures relating to bats.

15. The Council also suggests a condition to secure details of a scheme of surface water drainage, to include sustainable drainage measures. Whilst the footprint of the proposed extension would be greater than that of the element that would be replaced, it would only be by a relatively small amount in the context of the dwelling as a whole and the associated land. I have also received no substantive evidence to indicate that there are existing problems of flooding or pollution relating to the site and its surroundings. As such, it would not be necessary or reasonable to require any different drainage measures to those that currently exist with the existing dwelling. Such a condition would therefore not be appropriate in this case.

Conclusion

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

Andrew Dawe

INSPECTOR