
Appeal Decision

Site visit made on 9 October 2018

by Stuart Willis BA Hons MSc PGCE MRTPI

an Inspector appointed by the Secretary of State

Decision date: 15th November 2018

Appeal Ref: APP/J1860/W/18/3202441

Heathwood, A443 Holt Heath, HOLT HEATH WR6 6NA

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
 - The appeal is made by Mr and Mrs Ewer against the decision of Malvern Hills District Council.
 - The application Ref 18/00214/OUT, dated 9 February 2018, was refused by notice dated 30 April 2018.
 - The development proposed is an outline application with all matters reserved for the construction of a detached bungalow.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. Following the refusal of the application the new National Planning Policy Framework (Framework) has been published. Parties had the opportunity to make comment on it in their appeal submissions. Where any comments have been made these have been taken in to account. There have been no fundamental changes to national planning policy relevant to the main issue in this appeal, which I have determined having regard to the revised Framework.
3. Outline planning permission is sought with all matters reserved. I have had regard to the details on Site Plan 02 but have treated them as illustrative. I have determined the appeal on this basis.

Main Issue

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

Reasons

5. The appeal site occupies a narrow part of the garden of Heathwood. While there is an open hard surfaced area adjacent to Heathwood itself, along School Lane frequent landscaping and the set back of the majority of boundary treatments on this side of the road give the area a spacious feel. Heathwood's garden space is adjacent to School Lane with a timber fence along part the roadside boundary. The appearance of this is largely screened and softened by a hedgerow between it and the pavement. While there are some small gaps in the hedge, I observed that it is relatively continuous. It is a feature that adds

- to the openness and greenery along School Lane. Other than Heathwood no other properties on this side of the road have an access on to School Lane.
6. The appeal site is at a higher level than the road and it juts out further than the boundary treatments for the properties backing on to School Lane. A plot in this position would therefore draw greater attention. The limited depth and width of the site would create a far higher density than there is in the street at present. The proposal would therefore be at odds with the prevailing pattern of development on the street and the plot would be noticeably smaller than other residential curtilages on School Lane. The effect would be a cramped development, eroding the more spacious character of the street.
 7. Although the properties opposite fill much of the width of the plot, they are set back further than has been indicated for the appeal proposal, giving a more spacious feel than the appeal site would achieve. They are also set down from the level of the road. Their wider plots also result in parked vehicles not dominating their frontage, as they fill less of it, allowing opportunities for landscaping to break up views of the built form. They also have reasonably sized front and rear garden spaces. The spaces and landscaping give the streetscene an open feel which is an important attribute of the character and appearance of the area.
 8. There is some variation of plot sizes in the village, with comparable plots to the appeal site in some instances. Nonetheless, I consider these do not represent the overall character of the area, and in particular this is not the case along School Lane. While there is no specific policy requiring plots to be the same size, the site is viewed in the context of the more spacious and generous plots at Heathwood and the properties opposite. The indicative layout shows outdoor space for a small property. Nonetheless, the proposed plot is considerably smaller in comparison to the existing ones fronting this street.
 9. The illustrative plan shows parking to the front of the site and the Appellant has indicated that this is likely to be its position. The illustrative details demonstrate there is less space to the front of the appeal site in comparison to the properties opposite. It is narrower, and the plot is at a higher level than the road. As such parking in this area would be more prominent. It is unclear how else the site could be arranged, other than as shown. While parking and access on to School Lane is not uncommon, it would be concentrated on a considerably narrower area and this would exacerbate the cramped appearance of plot.
 10. While the Appellant comments it is anticipated that the existing landscaping could be largely retained, the illustrative layout does not show this. I recognise that the application is outline with all matters reserved and that any permission could be subject to conditions. The Appellant has also suggested there could be an alternative layout. However, no details of any alternative arrangements have been presented to me. It has not been demonstrated that the site is capable of accommodating sufficient external space, the property itself and provide access and parking facilities along with any landscaping. The information before me indicates that any layout would compromise the provision of one or more of these aspects of the proposal in order to accommodate the others. In the illustrative layout it would be the landscaping.
 11. The removal of all or part of the hedge to the front of the site would disrupt the existing line of landscaping. Given the surrounding landscaping, in particular on

the appeal side of the road, landscaping would be necessary to protect the character of the area. The open access for Heathwood serves to demonstrate how a lack of landscaping can harm the visual appearance of the street, with the hard surfaced area being at odds with the landscaping along the remainder of that side of the street.

12. Although the Appellant considers the proposal would represent high quality development, I have found that the proposal would cause significant harm to the character and appearance of the area. As such it would not comply with Policy SWDP21 of the South Worcestershire Development Plan (SWDP) where it requires development to compliment and respect the character of an area and provide appropriate landscaping. It is also contrary to the Framework where it seeks to ensure that developments are sympathetic to local character and add to the overall quality of the area.

Other Matters

13. With regard to existing properties and previous planning permissions in the village I have not been provided with full details of the circumstances and considerations which led to these being considered acceptable in many cases. Therefore, I cannot be sure they represent direct comparisons to this appeal.
14. Where some details have been provided, neither example of a previous permission (17/00801/FUL and 16/01660/FUL) is located on the same street as this appeal. As such they would be viewed in a different context to the appeal before me. At my site visit I noted that many of the plots referred to were in a row or cluster of similar sized plots, were of a similar scale to those adjacent to them or where there was an overall tighter pattern of development. That is not the case here where it would be an individual plot, substantially smaller than those seen in the same context, and where development is not so dense. The character of the area near the appeal site is more spacious than certain other parts of the village. Therefore, I consider these examples to be materially different to the case before me and give them little weight.
15. In relation to the three objectives of sustainable development in the Framework, it is acknowledged that occupiers of the bungalow would have access to various modes of transport, services and facilities. It would also contribute towards housing supply and mix and there is SWDP policy encouragement for smaller properties. However, being for only one dwelling such benefits would be very limited and the harm to the character and appearance of the area would conflict with the environmental objective of achieving sustainable development.
16. Moreover, economic benefits associated with the construction and occupation of one property, including support for local services and taxation would be limited. Environmental factors are again limited given the scale of the proposal. While these factors do add weight to the Appellant's case, they do not outweigh the harm identified in the main issue and the conflict with the development plan.
17. While I note there were no objections from third parties or consultees, a lack of opposition or support for a proposal in itself is not a ground for refusing or granting planning permission unless founded upon valid planning reasons.

18. The site is located within a settlement and the Council have not raised concerns in their decision notice other than that in the main issue. No harm has been identified in relation ecology, drainage, energy use, flooding, traffic generation, highway safety and the historic environment and I have no reason to disagree. Nevertheless, the lack of harm is a neutral factor that does not outweigh the harm I have identified would occur to the character and appearance of the area. The proposal may in some respects align with elements of local and national policy. Nonetheless, for the reasons given, the proposal does not accord with the development plan as a whole.

Conclusion

19. I conclude that the appeal should be dismissed.

Stuart Willis

INSPECTOR