
Appeal Decision

Site visit made on 6 November 2018

by Eileen Griffin LLB Hons

an Inspector appointed by the Secretary of State

Decision date: 05 December 2018

Appeal Ref: APP/J1860/W/18/3208278
Oakville, Shrawley, Worcester WR6 6TD

- 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 Philip Carter against the decision of Malvern Hills District Council.
 - The application Ref 18/00538/FUL dated 13 April 2018 was refused by notice dated 26 June 2018.
 - The development proposed is a house and detached garaging.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. The National Planning Policy Framework was revised on 24 July 2018 (the Framework) and this post-dates the Council's refusal notice. I have taken the Framework into account as part of the consideration of the appeal.

Main Issues

3. The main issues are the effect of the appeal proposal on (i) the character and appearance of the area and the street scene (ii) the living conditions of the occupiers of Roselea in respect of overlooking (iii) highway safety and (iv) surface water drainage.

Reasons

Character and appearance

4. The village of Shrawley has a very rural character and there are open fields across the road from Oakville which is one of three bungalows set in its own curtilage on the B4196. Due to its length, there are a number of different styles of housing along the B4196, but in the immediate area of the appeal site the housing styles are simple. Roselea, which is next door to Oakville, is a modest bungalow with 2 small chimneys and a shallow pitched roof. It has a garage to the side. Oakville is also modest and has a similar roof design and a single set back chimney. Oakville has an integral garage to the front.
5. Roselea and Oakville blend into the surroundings due to their style, front hedging, and the limited height of Oakville. Both Roselea and Oakville are set in spacious plots and the houses themselves are set well back from the road.

Both properties have sloping gardens down to the road but their modest design and set back position mean that they are not visually prominent from the road. To the other side of Roselea is another single storey bungalow called Tibbetts Close, set close to the boundary with Roselea. Tibbetts Close is much closer to the road than Roselea or Oakville and has a front projection but it is largely screened by hedging.

6. The proposed dormer style dwelling would be approximately 6.7 metres to the ridge in height with a projecting front gable with a large glazed opening and a balcony. There would be three large dormers to the rear which would face Oakville and a detached double garage near the boundary with Tibbetts Close. There would be a large chimney stack to the side elevation and some windows to both side elevations. The appellant proposes windows to the side elevations.
7. The two storey front projection and significant first floor element are of a scale and design that do not accord with the immediately surrounding development. The style of the house is elaborate and given its overall scale and massing it would be visually imposing and dominant both from the front and the rear. Indeed, the rear of the proposed property would be visible both from Oakville and Roselea.
8. The appellants have referred to the use of obscure glazing for 2 of the 3 rear dormer windows. These windows add to the overall imposing and bulky nature of the proposed dwelling house. They are part of the reason why the property does not appear subservient in scale to the properties behind. The appellant indicates that the front elevation is similar to the previously considered indicative plan for an outline application that was approved by the Council in 2015. I agree with the Council that this appeal proposal is different to the indicative dwelling house considered as part of the outline planning application. Furthermore, and, in any event, this appeal relates to the consideration of a full planning application and the outline planning application did not include a detailed consideration of plans in decision making terms.
9. There are various references by the parties and objectors to previous schemes and applications, but again I am only considering the planning application that is the subject of this appeal. There is an outline planning permission in place for a dwelling house on the site, but detailed matters have not previously been considered or approved.
10. The appellants indicate that immediately surrounding bungalows do have chimneys and front gables. Whilst Oakville has an integral garage which is in front of the building line of the house, it is not comparable in scale or design to the appeal building. The chimneys on both Roselea and Oakville are small, with the Roselea chimneys emanating from the roof and the single chimney on Oakville being hardly visible from the road. Tibbetts Close is L shaped with only a modest front projection and a single small roof chimney. I do not, therefore, consider that the existing chimney and front projections in the immediate vicinity are comparable to the chimney stack proposed at the side of the appeal dwelling or the relatively substantial two storey front gable with large windows and a balcony feature.
11. The appellants have referred to other dwellings along the road. However, those dwellings do not have the same relationship with its neighbours as the appeal site and I have to consider this appeal on its own merits.

12. For the reasons outlined above, I conclude that the development does not accord with the design aims of Policy 21 of the South Worcestershire Development Plan (SWDP), which among other things seeks to ensure that development would be appropriate to the setting of the site, and paragraph 127 of the Framework.

Living Conditions

13. The Council indicates that the distance from the rear elevation of the appeal building to the front of Roselea is approximately 20 metres and the slope means that Roselea would be set on higher ground than the appeal dwelling. The Council also indicates that the distance to the front elevation of Oakville would be around 23 metres. The Council has considered that there would be some impact on living conditions at Oakville, but did not find this to be to a significant degree. The Council has also discounted impact from side windows on the basis that these would overlook front gardens that are not private spaces.
14. The appellant state that the Council should have measured the distances between the relevant habitable windows and states that the distance is in excess of 20 metres, but has not provided any measurements. The Council's Design Guide - Supplementary Planning Document (the Guide) indicates that around 20 metres may be a suitable separation distance when considering extensions and in cases where there is level ground. However, the scheme before me is a new dwelling on a sloping site, and so I consider that the Guide is not directly applicable here.
15. Even taking the appellant's position that the separation distance would be at least 20 metres, I consider that the relationship between the new dwelling and Roselea would result in significant overlooking of the neighbouring property from the first floor dormer windows. While there is a large hedge between the site and Roselea, the relative height of the proposed dwelling would mean that the hedge would not mitigate the potential for overlooking from the first floor of the new dwelling. I note that 2 of the rear dormers, serving bathrooms, would be obscure glazed. However, the potential for overlooking would remain from the third non-obscured dormer window, and also from the obscured windows if they were opened. I therefore consider that the proposal would have a significant adverse effect on the living condition of the occupiers of Roselea.
16. I, therefore, conclude that proposed development would be harmful to the living conditions of occupiers of Roselea due to overlooking. The proposal, therefore, would conflict with Policy SWDP 21 of the Local Plan, which refers amongst other things, to neighbourhood amenity and levels of privacy.

Highway Safety

17. The existing access which runs down one side of the current plot of Oakville would be shared with the new dwelling with a new turning area for the new occupiers. The submitted drawings do not show any dimensioned visibility splays at the exit.
18. On the evidence that is before me, I cannot be sure if it would be possible to achieve the required visibility splays within land that is fully within the control of the appellants. In this case, I consider that it is necessary to show the

visibility splay on the submitted drawings so that this matter can be fully assessed.

19. In the absence of this information, which would need to demonstrate the permanent achievement of the required visibility splay, it is possible that a new dwelling house sharing the access onto the B1496 could result in an increase in hazardous conditions and a severe danger for road users contrary to the highway safety aims of SWDP Policies 4 and 21, the Worcestershire Design Guide and the Framework, which together and among other things seeks to ensure that vehicular traffic should be able to access the highway safely.

Drainage

20. The layout plan provided does not adequately address the issue of flood risk from elsewhere on site or to elsewhere on site. The lowering of ground levels for the appeal dwelling house has the potential to increase localised flood risk to the appeal dwelling house from the frontage of the site.
21. I do acknowledge that the appellant has shown a soakaway area on the submitted site plan. However, and in order to assess this issue properly, I would have expected a more detailed assessment/report of existing and proposed surface water drainage issues to accompany the planning application. This would then determine whether the proposed soakaway area would be fit for purpose. I consider that this information should be submitted up front and not as part of a planning condition. I consider that this is an important matter which goes to the heart of whether or not the proposal is acceptable in land use principle terms.
22. The lack of satisfactory information with regard to the surface water drainage is of significant concern. Consequently, I have not been able to conclude that the proposal suitably accords with the drainage aims of Policy SWDP29 of the SWDP, which among other things requires the sustainable and co-ordinated management of site drainage, or the Framework.

Other Matters

23. I have no reason to doubt the Council's claim that it can demonstrate a five year supply of deliverable housing land. Consequently, I afford limited weight to the contribution to the supply of housing from one dwelling house. Nonetheless, I do acknowledge that there would be modest social and economic benefits in the construction and occupation of one new dwelling. However, such benefits would not outweigh the harm that I have identified in respect of my conclusions on the main issues.
24. I note the supportive comments from the occupier of Oakville. However, none of the comments made by the occupier of this property outweigh or alter my overriding concerns relating to character and appearance issues, overlooking matters, highway safety and a lack of information relating to surface water drainage details.

Conclusion

25. For the reasons outlined above, and taking into account all other matters raised, I conclude that the appeal should be dismissed.

Eileen Griffin

INSPECTOR