The Planning Inspectorate

Appeal Decision

Site visit made on 4 December 2018

by Ben Plenty BSc (Hons) PGDip MRTPI

an Inspector appointed by the Secretary of State

Decision date: 13th December 2018

Appeal Ref: APP/J1860/D/18/3211979
Charcam Gables, Martley WR6 6PA

- 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 Masters against the decision of Malvern Hills District Council.
- The application Ref 18/00476/HP, dated 30 March 2018, was refused by notice dated 23 July 2018.
- The development proposed is the alteration to and retention of a single storey rear extension (part retrospective).

Decision

1. The appeal is dismissed.

Procedural Matters

2. I have been informed that the Council has recently declined the Certificate of Lawfulness application, referred to in the appeal documents. I have therefore attached limited weight to the permitted development fall-back position advanced by the appellant.

3. The rear extension has already been erected, but is incomplete. The walls are exposed breeze block. Also, the roof requires the addition of soffit boards and other finishing works. I have therefore considered this proposal as existing development, apart from a minor alteration in the proposal, which would create a small set-back in the southwest corner.

Main Issues

4. The main issues are the effect on:

   i) the character and appearance of the area, including the setting of the Martley Conservation Area; and

   ii) the living conditions of neighbouring dwellings in terms of outlook.

Reasons

Background

5. The appeal site, Charcam Gables, is a dormer bungalow located within a residential area. It is adjacent to, but outside of, the Martley Conservation Area (MCA). A grade II listed building, *The Wayside*, is to the north of the property. Beyond the southern boundary of the site is an access road to a small cul-de-

sac of four recently constructed bungalows. The site has been subject to enforcement action and an appeal decision in 2017. This followed the construction of unlawful extensions to the appeal property. This consisted of a rear box dormer window, the raising of the main ridge of the bungalow and a rear extension.

6. The Inspector in that appeal considered the rear of the property to be highly visible and that the extension would be especially pronounced in views from the main road to the south. He allowed the rear dormer window and the raising of the ridge of the main roof, but dismissed the rear extension. He commented that the rear extension was of poor design, incongruous and visually harmful. He also concluded that the crude manner in which the rear extension parapet met the main roof line, combined with the bulk and mass of the extension, made the scheme unacceptable. The rear extension was also considered to be overbearing in terms of outlook from neighbouring dwellings.

7. The appellants consider that this matter has been addressed through lowering the parapet. The Council consider that the Inspector had a more fundamental objection to the rear extension. I agree with the Council on this point as the Inspector could have adjusted the terms of the Enforcement Notice, if he considered that the removal of the parapet was all that was required.

Character and appearance including the setting of the MCA

8. The proposal consists of a flat roofed rear extension and a small parapet wall, which rests slightly below the rear eaves. On my visit, I saw that the eaves are just above the reduced parapet top of the extension. The southern boundary of the site consists of close boarded fencing. The site is elevated by around one metre above the adjacent driveway. The front building line of houses on the main road step back, to the south of the site, providing a wide and open view of the side of the site. The main road (B4197) takes a slight bend on the approach to the site travelling north. This combined context results in the extension being highly visible from the main road and from the side and rear of the appeal site.

9. The site is adjacent to the MCA. I find that the rear extension is read within the context of adjacent buildings in long views and, as such, has a limited impact on the setting of the MCA. I therefore concur with the Council that the setting of the MCA would not be harmed.

10. I recognise that the connection of the extension to the main building has been improved through the lowering of the parapet. However, these two components still come together in a discordant manner. Moreover, the scale of the extension creates a bulky mass that bears no architectural resemblance to the characteristics of the original dwelling.

11. As a consequence, the south elevation gable wall of the original bungalow, relates poorly to the side wall of the extension. Being on the same plane, these share a building line. Therefore, these two components blend together and lack a distinct hierarchy of dominance relative to subservience. I find that these combined design failings create an extension that is harmful to the character and appearance of the local area.

12. The scheme proposes a minor alteration, to create a small set-back alcove at the rearmost corner of the extension. I do not consider that this would make

any discernible difference to the impact of the extension or outweigh the identified harm.

13. Having regard to the above, due to its scale and design, the proposal would not accord with Policy SWDP21, of the South Worcestershire Development Plan (SWDP), which seeks high design quality that integrates effectively with its surroundings. Also, the proposal would not accord with the South Worcestershire Design Guide SPD, requiring extensions to be subordinate and not dominate the original dwelling.

Living conditions

14. The proposal is located on higher ground to that of its immediate neighbours to the south and west. The boundary fence provides limited screening of the extension from views from Mistletoe Orchard. I find that the proposal as built is overbearing to neighbouring bungalows, in Mistletoe Orchard. It is harmful to their outlook due to the proximity and scale of the extension and the open and exposed nature of the rear garden.

15. In summary, the extension has been poorly integrated with the host building and reads as a discordant, bulky addition. I find this to be overbearing to dwellings to the south and west of the site, especially in regard to the outlook from the new bungalows of Mistletoe Orchard. Consequently, the extension would not accord with Policy SWDP21, of the SWDP, which amongst other things seeks that new development achieves high quality design that is not unduly overbearing to neighbours.

Other matters

16. The site is close to Wayside Cottage; a grade II listed building. I have had regard to section 66(1) of the Planning (Listed Building and Conservation Areas) Act 1990 that requires that I consider the impact of the proposal on the setting of the listed building. Peel House sits between the appeal site and Wayside Cottage and is set in an elevated position between the two. As a consequence there is no discernible visual link between them. I agree with the Council that the proposed development would have a neutral impact on the setting of the listed building.

Conclusion

17. For the above reasons, and having had regard to all issues raised, I dismiss the appeal.

Ben Plenty

INSPECTOR