The Planning Inspectorate

Appeal Decision

Site visit made on 4 December 2018

by Helen O'Connor LLB MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 18th December 2018

Appeal Ref: APP/H1840/W/18/3211800
The Lodge, Abbotswood, Evesham WR11 4NS

- 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 Shaun Wolstenholme against the decision of Wychavon District Council.
- The application Ref 18/00705/FUL, dated 11 April 2018, was refused by notice dated 22 June 2018.
- The development proposed is a new build detached house.

Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are the effect of the proposal on:

    - The character and appearance of the surrounding area;
    - The living conditions of future residents with particular regard to privacy, and;
    - Highway safety.

Reasons

Character and appearance

3. Abbotswood is a private road which has a distinctive character generally comprising large detached houses set within spacious well landscaped plots with beech hedging. The Lodge is one of the original buildings, and historic maps show that it once stood in substantial grounds. Notwithstanding the subsequent surrounding development that has taken place, The Lodge retains a heightened status due to its scale, historical detailing and its position within a generous plot. The space and planting within the grounds create an overall impression of a handsome house of some importance.

4. The proposal to introduce a two storey detached dwelling to the west of The Lodge would encroach into, and therefore diminish this openness thereby weakening the status The Lodge currently commands in the street scene. It would particularly curtail the positive contribution the western elevation makes to the character of the wider area as it would, to a significant extent, block

views of the original principal entrance point which is an important feature in understanding the building.

5. The Council points out that the proposal would displace a parking area intended to serve an extant permission to sub-divide The Lodge. Providing adequate replacement parking would be likely to further encroach into existing landscaped areas and would exacerbate the harm to the openness surrounding The Lodge already identified. In support of the proposal the appellant has signalled a willingness to enter into a legal agreement to forego the extant permission thereby removing the need for the parking area. However, no such undertaking was submitted with the appeal and in any event, this would not overcome the principal harm arising from the siting of the dwelling itself.

6. The appellant has indicated that the proposal would be for a modestly sized dwelling with a subservient appearance suggesting a workman's dwelling, an approach that has been used for other dwellings already constructed in the grounds of The Lodge to the east. However, the siting of the proposed dwelling would not be compatible with a subservient relationship as it would interfere with the space surrounding the principal entrance to The Lodge making its presence conspicuous. The fact that The Lodge is not listed, nor in a conservation area does not prevent it from having a distinctive historic character, which I have outlined above.

7. The appellant argues that it is the southern rather than the western elevation that is principal elevation of The Lodge referencing the Town and Country Planning (General Permitted Development) Order 2015, and a number of previous appeal decisions at the site. Whether this is the case or not, the western elevation retains the main entrance point, with a driveway and sense of openness adjacent to it and as such makes an important contribution in its own right. Furthermore, the appeal decisions related to proposals that were not located to the west of The Lodge as in this case, and therefore those Inspectors did not specifically comment on the western elevation as they would have been considering the specific circumstances of the case before them. I concur, however, with the general findings of the previous Inspectors in identifying that the space around The Lodge contributes positively to the character of the area, and do not dispute the important contribution the southern elevation makes.

8. The appellant points to the possibility that a garage might be constructed in a similar location to the proposed dwelling under permitted development rights, although this is not entirely clear from the evidence given the potential impact to protected trees. In any event, such a building would not be as substantial in scale, and would therefore not encroach into the openness surrounding The Lodge to the same extent as the proposal.

9. The appellant considers that the surrounding character of Abbotswood has undergone significant change over time with other developments for dwellings having been permitted, and recent examples at Beechurst and Sunnymede are referred to. In arriving at my conclusion I have taken into account the nature of the surrounding development, and not least examples within the former grounds of The Lodge itself. Both Beechurst and Sunnymede are located on the southern side of Abbotswood sufficiently distant from the appeal property such that the sense of openness and status of The Lodge has not been adversely affected by those proposals. Taking the above points together, due to its siting the proposal would not respect the characteristics of the site and as such would

result in harm to the character and appearance of the area. I therefore find that the proposal would be contrary to policy SWDP21 of the South Worcestershire Development Plan, February 2016 (DP) which amongst other things indicates that development should complement the character of the area.

Living conditions

10. The proposed dwelling would have a paved area to the rear onto which there would be access from the kitchen and living room via fully glazed double doors. The boundary treatment proposed would prevent overlooking to the paved area from ground floor windows within the western elevation of The Lodge. However, this elevation of The Lodge also contains 8 openings at first and second storey the majority of which are large windows. The appellant has indicated that of the 8 upper storey windows most serve bathrooms and landings, leaving 2 windows that serve other rooms. One is currently a bedroom, and whilst the other room might currently be used for storage purposes there is no evidence to suggest it could not potentially be used as a bedroom in the future. These windows would therefore provide a direct view down onto the paved area which would be particularly intrusive.

11. The appellant contends that future occupants of the proposed dwelling would not use this paved area for sitting out given that it faces north and is likely to be shaded, especially given that there are alternative garden areas proposed. However, because the configuration of the layout strongly suggests that it is designed to be used as a private patio area, which would be logical due to its access and proximity to the dwelling, I have assessed the proposal on this basis.

12. I have had regard to the South Worcestershire Design Guide Supplementary Planning Document, March 2018 referred to by both the Council and the appellant. This gives specific guidance in relation to the distances that should be achieved by windows in a rear extension to a shared boundary. I am inclined to agree with the appellant that this does not directly apply to the circumstances of this appeal, but note the Council suggest it is a useful rule of thumb. I give it limited weight in these circumstances and have reached my own conclusions on the appeal proposal on the basis of the evidence before me.

13. Reference was made by the appellant to a recent permission for a dwelling at Beechurst. The new dwelling there aligns with the height and position of the existing property. As such views from the existing dwelling's upper floor habitable windows to the future garden area of the new dwelling would be oblique. This does not, therefore, present the same relationship as the circumstances here and is consequently of limited relevance in this case.

14. Consequently I find that the proposal would not sufficiently safeguard the privacy of future occupiers to the detriment of their living conditions. As such, the proposal is contrary to policy SWDP21 of the DP which, amongst other matters, requires development to provide an adequate level of privacy.

Highway Safety

15. The third reason for refusal relates to highway safety. The Council's concern in this respect is that 3 parking spaces for an extant permission to sub-divide The

Lodge (reference 08/01332/PN), which were intended to be provided on the appeal site, would be lost as a result of the proposal. There would be sufficient space to accommodate this displaced parking within the grounds of The Lodge but that raises concerns regarding character and appearance as discussed above. Notwithstanding this, the Council have put forward no robust evidence concerning the impacts with respect to this therefore I find limited harm in this regard. It follows, therefore, that I find no conflict with the relevant provisions of policy SWDP21 which relate to highway safety.

Conclusion

16. I conclude that the proposal would have a harmful impact on the character and appearance of the area, and on the living conditions of future residents but would be acceptable in terms of highway safety. For the reasons given above I conclude that the appeal should be dismissed.

Helen O'Connor

Inspector