The Planning Inspectorate

Appeal Decision

Site visit made on 2 April 2019

by M Aqbal BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 09 May 2019

Appeal Ref: APP/J1860/W/18/3218716
Land adjacent to Laburnum Cottage, A4103, Leigh Sinton WR13 5EQ

- 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 Watkins, Interclass Homes LLP against the decision of Malvern Hills District Council.
- The application Ref 18/00774/FUL, dated 24 May 2018, was refused by notice dated 10 August 2018.
- The development proposed is described as 'Proposed dormer bungalow on land adjacent to Laburnum Cottage.'

Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are the effects of the proposed development on: (1) the character and appearance of the area; (2) the living conditions of future occupiers with regard to the quality of the proposed garden; and (3) highway safety.

Reasons

Character and appearance

3. The appeal site forms part of the rear garden to a detached dwelling (Laburnum Cottage) which faces the A4103, with its side elevation and rear garden facing Sherridge Road. There is other development along Sherridge Road, comprising predominantly detached properties of a traditional vernacular, along with a collection of converted farm buildings to the west of the site. Some of these buildings are close to the highway. However, in general these are located within spacious plots resulting in generous space about them and between buildings.

4. The site is prominent along the northern section of Sherridge Road and in combination with the generally open and partly landscaped area to the east of the converted farm buildings, it contributes to the spacious and verdant quality of the street scene. This arrangement also helps development here integrate with the landscape setting of the surrounding open countryside and contributes to the visual amenity of the area, in terms of the pleasantness of the views when travelling along this road.

5. For the above reasons the site makes a positive contribution towards the semi-rural character and appearance of the area, in this edge of settlement location.

6. In contrast, the proposal would result in the loss of a substantial section of the existing hedge and garden. Irrespective of its traditional cottage design, the introduction of a sizeable building into an area free of any significant built development, would erode the spacious and verdant character and quality of the site.

7. The proposed garden in terms of its size would be appropriate for the new dwelling. Notwithstanding this, it would be severed from the dwelling by an area of hardstanding. Most notably, the new dwelling would be in close proximity to a side and the rear and front boundaries of the site. The site would also be partly enclosed by fencing. This extent of development would also erode the space between the existing buildings. Overall, due to its form and layout the proposed development would appear contrived, visually cramped and of poor design that would not reflect the established pattern of development here, where buildings have more generous space about them.

8. Therefore, and despite some proposed landscaping, this level of urbanisation within the site would introduce an incongruous form of development which would detract from the quality of the street scene and fail to integrate with its wider landscape setting, thereby compromising the visual amenity of the area.

9. For the above reasons, the proposed development would harm the character and appearance of the area. I therefore find conflict with the design aims of policy SWDP 21 of the South Worcestershire Development Plan (SWDP), which amongst other things require that proposals are of a high design quality that complement the character of the area. I also find conflict with policy SWDP 25 of the SWDP, which amongst other matters requires that development integrates with the character of the landscape setting. These policy aims are broadly consistent with design aims expressed in the Framework. Accordingly, I find conflict with the Framework.

Living conditions

10. Irrespective of the proposed modest patio area, the garden for the new dwelling would be located close to the rear elevation of Laburnum Cottage which incorporates two first floor windows. The Council's design guidance[1] suggests a 10m separation between such windows and private shared boundaries to achieve privacy. This guidance is in respect of rear extensions, but it is a useful yardstick for considering the potential overlooking of gardens. Additionally, the design guidance seeks to ensure high levels of privacy for gardens, and it has been adopted and supports the design aims of the development plan. In this case, the proposed separation distance would fall significantly short of the guidance and would result in direct overlooking and loss of privacy for future occupants using the garden. The proposed fencing and suggested additional landscaping, which would take time to establish, would not sufficiently address my concerns about the potential loss of overlooking.

11. I conclude that the proposed development would significantly harm the living conditions of future occupiers with regard to the quality of the proposed

[1] South Worcestershire Design Guide Supplementary Planning Document Overarching Design Principles (adopted March 2018

garden. The proposal is therefore contrary to policy SWDP 21 of the SWDP which amongst other things requires that development should provide an adequate level of privacy. I also find conflict with the Council's design guidance.

Highway safety

12. The new vehicular access along with the parking spaces to the proposed dwelling would be located off Sherridge Road. Near the appeal site this carriageway is narrow and within a 30mph zone. The appellant suggests that because the proposed access would be located approximately 35m from the junction of Sherridge Road with the A4103, vehicle speeds would be much lower than the 30mph past the appeal site, with vehicles either slowing down for the junction if travelling from the north-west or having just turned on to Sherridge Road from the A4103. However, there is little substantive technical evidence to support this.

13. An area of hardstanding between the parking spaces and highway is to be provided for vehicles to turn on site. There is however insufficient information to demonstrate that this area is of a sufficient size and layout to safely and easily turn a vehicle on the site and leave in a forward gear. It has also not been established that the siting of the proposed dwelling to the west and the boundary treatments to the east of the access would not adversely affect visibility when emerging from the new access, having regard to the speed of traffic travelling along here.

14. Despite the proposal being for a single dwelling, it would still result in an increase in vehicles using a new access onto Sherridge Road and although vehicular movements associated with a single dwelling would be limited, this does not necessarily reduce the risk of collisions. Taking into account the above factors, there is an unacceptable risk of collision with oncoming vehicles or pedestrians as a result of the proposed access arrangement.

15. I acknowledge that Laburnum Cottage does not incorporate a turning area. However, this property benefits from a historic access arrangement. Moreover, this is not suitable justification for the proposed access arrangement and therefore carries very limited weight.

16. On the available evidence, it has not been clearly shown that a safe access can be provided from the appeal site in the interests of highway safety. My concerns on this matter are supported by the objection from the Highway Authority. Consequently, I find conflict with SWDP Policies SWDP 21 which requires that vehicular traffic from the development should be able to access the highway safely, and SWDP 4 which amongst other things states that proposals must demonstrate that they address road safety.

Other matters

17. There would be economic benefits associated with the proposal from the initial construction of the dwelling along with its on-going maintenance. Future occupants of the dwelling would also support local shops, services and facilities. Council Tax and New Homes Bonus would also be realised. Social benefits arising from the proposed development include the provision of a smaller dwelling for which there is an identified local need. Locating an energy efficient dwelling within an existing settlement, where future occupants would have

access to a range of services and facilities by means other than the private car would also bring environmental benefits. Nevertheless, such benefits arising from a single dwelling would be limited and do not outweigh the harm I have already identified.

18. Although the Framework supports development that makes efficient use of land, this needs to take into account the desirability of maintaining an area's prevailing character and setting (including residential gardens)[2]. This is not the case here, based on the harm I have identified with regard to the character and appearance of the area.

19. The appellant has suggested that under the provisions of permitted development that a sizeable outbuilding could be erected in the grounds of Laburnum Cottage. However, no detailed scheme is before me to consider. There is also limited evidence to support the appellants claim that the development would lead to improvements in biodiversity. I therefore attach minimal weight to these factors.

20. The development not resulting in the loss of the most versatile and agricultural land or causing any harm to the natural environment are neutral factors which do not weigh in support or against the proposal.

Conclusion

21. For the reasons given above, and having regard to all other matters raised, I conclude that the appeal should be dismissed.

M Aqbal
INSPECTOR

[2] Paragraph 122