
Appeal Decision

Site visit made on 23 April 2019

by Martin H Seddon BSc DipTP MPhil MRTPI

an Inspector appointed by the Secretary of State

Decision date: 18 July 2019

Appeal Ref: APP/J1860/W/19/3221240

34 Malvern Road, Powick, Worcester, WR2 4RU

- 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 J King against the decision of Malvern Hills District Council.
 - The application Ref: 18/00795/OUT, dated 25 May 2018, was refused by notice dated 26 July 2018.
 - The development proposed is outline application for the erection of a single dwelling with all matters reserved except for access.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The appellant has submitted new drawings with the appeal to show a smaller two bedroom dormer bungalow which could be built in materials to match those of the main dwelling. I have taken these drawings into account in determining this appeal because of their status as indicative only.
3. The National Planning Policy Framework (the Framework) was revised in February 2019. However, this mainly concerned the housing delivery test. I consider that there is no prejudice to the main parties from basing my decision on the revised version as a material consideration.

Main Issues

4. The main issues are:
 - the effect of the proposal on the character and appearance of the surrounding area, and
 - the effect on the living conditions of neighbours in respect of outlook.

Reasons

Character and appearance

5. The appeal site is the rear garden of the detached dwelling of No.34 Malvern Road. No.34 is part of a row of dwellings which front a short single lane private road that links Old Malvern Road with the A449. Other dwellings at Nos.22-26 are situated at a right angle, resulting in enclosure of an area of

tranquil rear gardens by the housing development. To the rear of the appeal site is an agricultural field.

6. The proposed development would constitute backland development and would not accord with the prevailing pattern of development of undeveloped rear gardens. A dwelling, including a potentially smaller dormer bungalow as suggested, would fail to integrate effectively with its surroundings by locating built development in the rear garden and would not reinforce local distinctiveness, contrary to South Worcestershire Development Plan policy SWDP 21 concerning design. It would also conflict with advice in the *South Worcestershire Design Guide* which indicates that new development must connect with, and relate to, the pattern of spaces already present to provide continuity, and it is important that new development overlooks existing routes.

Effect on living conditions

7. The rear garden of No.34 is mainly screened from the neighbouring garden of No.32 by high vegetation along the boundary. The boundary with No.36 is more open. The appellant has proposed a fence and screen planting along this boundary. However, the planting would take time to mature and eventually could result in a high degree of enclosure for the proposed dwelling. Despite this proposed screening, even a small dormer bungalow and its parking and manoeuvring space would be visible from the first floor rear windows of No.36. Despite this, in view of the separation distance between the proposed bungalow and No.36, I consider that the development would not be overbearing. It would therefore not conflict with South Worcestershire Development Plan policy SWDP 21 concerning neighbouring amenity.

Other Matters

8. The appellant has referred to other examples of backland development in the vicinity, including at 48 Malvern Road. However, the particular site circumstances are not identical to those at the appeal site and the existence of other examples is not a reason to allow the appeal.

Conclusions

9. For the reasons given above, the appeal is dismissed.

Martin H Seddon

INSPECTOR