
Appeal Decision

Site visit made on 16 July 2019

by Stuart Willis BA Hons MSc PGCE MRTPI

an Inspector appointed by the Secretary of State

Decision date: 29 July 2019

Appeal Ref: APP/J1860/W/19/3229013

Land adjacent to 11 Holywell Road, Malvern WR14 4LE

- 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 Peter Clarke against the decision of Malvern Hills District Council.
 - The application Ref 18/01806/FUL, dated 7 December 2018, was refused by notice dated 4 February 2019.
 - The development proposed is erection of two new detached dwellings.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues of the appeal are;
 - Whether the proposal would preserve or enhance the character or appearance of the Malvern Wells Conservation Area (CA), the setting of Essington House and Essington Cottage and the scenic beauty of the Malvern Hills Area of Outstanding Natural Beauty (AONB); and
 - The effect of the proposed development on highway safety, with particular regard to the adequacy of vehicle turning facilities and sight lines at the proposed accesses.

Reasons

Character and Appearance

3. The appeal site is located within the CA and there are listed buildings relatively close to it. As such I have had regard to the duty to pay special attention to the desirability of preserving or enhancing the character or appearance of the conservation area and of preserving the setting of listed buildings. The site is within the AONB and the National Planning Policy Framework (Framework) states that great weight should be given to conserving and enhancing landscape and scenic beauty of these, which have the highest status of protection in relation to these issues.
4. From my observations, the significance of the CA lies, in part, in it being an area with primarily residential linear development at lower levels and less frequent development in the verdant hills. Essington Cottage and Essington House have their significance, in part, from being some of the occasional large

- scale buildings set amongst the wooded banks of the hills. The undeveloped appearance of the site means it sits comfortably among the surrounding landscape and built environment. I find the appeal site makes a positive contribution to the significance of the CA and the setting of the listed buildings.
5. There is some variety to the scale and design of properties in the area and I acknowledge that the appellant has sought a distinct, modern design. Nonetheless, although less evident from the rear, the considerable vertical emphasis of the proposed houses would be at odds with the proportions of the existing built form nearby. Moreover, even with the top floor being set back, the scale of the properties would result in them being imposing buildings in the streetscene. The properties would have parapet walls, pitched roofs and materials prevalent in the area. However, the shallowness of the roof pitches and angular features give a box like appearance discordant with both the traditional and more modern properties they would be seen with.
 6. There is some variation in the layout of properties along Wells Road. Nevertheless, the orientation of the proposed dwellings towards, and their close proximity to, Wells Road would be incongruous with the nearby properties on this flank of the road. Furthermore, the compact layout would make the development appear squeezed between the road and path. The scheme would be incongruous with the pattern of development along this part of Wells Road and the adjacent properties on Holywell Road.
 7. Due to the removal of landscape features at the site and lack of adjacent buildings, the site would appear as a stark intrusion of built form against the largely verdant backdrop of the hillside. This would harmfully contrast with the context of the site where most of the properties on the hillside are largely concealed by vegetation.
 8. Some landscape features would be retained, and further planting could take place. Nevertheless, the incongruity of the development would be obvious from the path running along side the site, the street and the nearby properties. In any event, that a proposal would be partly screened is not a reason to allow development which is inherently unacceptable.
 9. Travelling towards the site from Hanley Road the dwellings would be particularly conspicuous. They would stand out in the forefront of views towards Essington House and Essington Cottage. The scale and appearance of the proposed dwellings would draw the eye. This would detract from the views of the listed properties which currently stand out against the wooded banks of the hillside.
 10. For the purposes of the Framework, the Conservation Area and listed buildings are designated heritage assets. Within the overall context, while no Conservation Area appraisal has been presented to me, it is considered that the proposal would lead to less than substantial harm to the significance of the assets. The Framework indicates that such harm is to be weighed against the public benefits of a proposal. However, great weight should be given to an asset's conservation.
 11. While it has been suggested that the proposal would enhance the appearance of the area, I have found this would not be the case. Any benefits associated with the construction works and additional spend from the future occupiers of the units would be limited given the scale of the proposal. Similarly, the

contribution of 2 dwellings to the mix and supply of housing in the area would be modest. As such, on the basis of the information before me, in this instance the public benefits do not outweigh the identified material harm to the designated heritage assets. The proposal would therefore be contrary to the historic environmental policies contained within the Framework.

12. Consequently, the proposal fails to preserve or enhance the character or appearance of the CA and the setting of nearby listed buildings. It would also fail to conserve or enhance the landscape and scenic beauty of the AONB. The scheme would be contrary to Policies SWDP6, SWDP21 and SWDP24 of the South Worcestershire Development Plan (the Plan). These seek, in part, to ensure that development proposals are of high quality design, conserve and enhance heritage assets and their setting, and integrate with their surroundings. It would also be contrary to Policies SWDP23 and SWDP25 of the Plan insofar as they require development to be appropriate to, and integrate with, the character of the landscape setting and not have a detrimental impact on the natural beauty of an AONB.
13. Finally, the proposal would be contrary to the Framework where it states that great weight should be given to conserving and enhancing landscape and scenic beauty of AONBs and that proposals are sympathetic to local character.

Highway Safety

14. The appeal site is located on the inside of a curve in the road. There is a wall running along the pavement boundary of the site with a hedgerow behind. These features extend beyond the site and are of a height that would obscure visibility. While a plan showing the visibility splays for Unit 1 has been provided, there are no such details for the access for Unit 2. Moreover, from the information before me it is not clear whether the land required for the visibility splays is wholly within the appellant's control. Furthermore, no details of actual vehicle speeds have been provided to demonstrate that the proposed splays would be sufficient. Therefore, I cannot be certain that appropriate sight lines could be provided and that any requirements could be sufficiently controlled by planning conditions.
15. A vehicle turning area is proposed. However, I cannot be sure that manoeuvres would be undertaken with sufficient visibility. In addition, no compelling evidence has been presented to demonstrate that vehicles would be able to enter and leave the site in a forward gear from all proposed parking spaces. As such, I am not satisfied that these vehicle movements could be carried out in a safe way without the need to reverse on or off the road.
16. The Council have not raised any concerns regarding the level of parking and there has been no clear evidence presented to lead me to a different finding. I note that pre-application discussions regarding visibility splays was some time ago and it is not clear to me that the comments related to the scheme as is now proposed. Moreover, Worcester County Council Highways has objected to the development.
17. As such, the proposed development would result in significant harm to highway safety in relation to vehicle turning facilities and sight lines at the proposed accesses. As a result, it would not accord with Policies SWDP4 and SWDP21 of the Plan which aim to ensure proposals provide safe access and deal satisfactorily with road safety issues. Moreover, it would be contrary to the

Framework where it requires developments to ensure that safe and suitable access to the site can be achieved and be refused where there would be unacceptable impact on highway safety.

Other Matters

18. I acknowledge that the appellant has sought to overcome issues from a previous application by amending the scheme. Nevertheless, I have found harm arising from the proposal before me.
19. My attention has been drawn to examples of modern development in other designated areas. I have not been provided with the full details of these schemes and what led to them being considered acceptable. I note that these are not located in the same streetscene as this appeal and therefore are materially different. In any event, individual applications and appeals are decided on their own particular merits and I have determined the appeal in this way.
20. The Council have not included refusal reasons in relation to matters such as living conditions or drainage. Nonetheless, the absence of harm is a neutral factor and does not weigh in favour of the scheme.

Conclusion

21. For the above reasons I conclude that the appeal should be dismissed.

Stuart Willis

INSPECTOR