



Appeal Decision

Site visit made on 2 July 2019

by S Hanson BA(Hons) BTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 01 August 2019

Appeal Ref: APP/J1860/W/19/3225905

8 Oakleigh Avenue, Hallow, Worcestershire WR2 6NG

- 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 S Gillgan against the decision of Malvern Hills District Council.
 - The application Ref 18/01432/OUT, dated 8 October 2018, was refused by notice dated 4 February 2019.
 - The development proposed is 2 new bungalows on land to the rear of 8 Oakleigh Avenue, Hallow.
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Decision

1. The appeal is dismissed.

Procedural Matter

2. Outline planning permission is sought but with access only to be considered at this stage. I have determined the appeal on this basis.

Main Issue

3. The main issue is the effect of the development on the character and appearance of the area.

Reasons

4. The appeal site is located to the rear of 8 Oakleigh Avenue (No 8), a large detached one and a half storey dwelling in a spacious plot. The site is located towards the northern end of Hallow, a village which is classified as a Category 1 settlement within the South Worcestershire Development Plan (the Development Plan). Policy SWDP2 confirms that the principle of infill development is appropriate within the defined housing boundaries, subject to more detailed Plan policies.
5. The surrounding area is characterised principally by the linear arrangement of houses fronting roads, whereas the proposal would have no road frontage. The houses along Oakleigh Avenue and the adjoining Oakleigh Heath are of different ages and styles all set along an established building line with generous gardens stretching to the rear. The appeal site forms part of the rear garden area belonging to No 8. The site would share an access with the frontage property and would run to the side of the house along the

boundary. The houses and landscaping along Oakleigh Avenue would largely screen views into the site, although the widened and lengthened access would undoubtedly allow for glimpses into the site. This scheme would therefore be backland development with no clear presence of the dwellings in the street scene.

6. The site shares its rear and side boundaries with two residential properties that front Moseley Road. These properties are within close proximity of the appeal site. Consequently, development of the site would create a cramped environment in an otherwise relatively spacious setting. Additionally, development within the site would be clearly visible through gaps between some of the houses along Moseley Road. This would be at odds with the linear pattern of development along this road which is part of the character of the area.
7. The appellant has provided aerial photographic evidence of other backland development locally. There appear to be examples of some similar development along the A443 although others, particularly the development on Moseley Road are small estates rather than backland development. Nevertheless, I am not aware of the circumstances of these developments, nor of the appeal that has been cited and I cannot be certain that they are comparable with the appeal site. I have determined the appeal based on the circumstances of the site and the evidence before me in this case.
8. The Council refers to the loss of trees within the site which would harm the visual amenity of the area and fail to reinforce local distinctiveness. However, from the evidence provided and from what I saw on site, the tree loss would have a limited effect on the area. Nevertheless, the one tree worthy of note, within the site boundaries, is the mature cedar (T2) which the tree survey indicates as having a life expectancy of 40+ years and would be retained. I agree with the Council that the tree is significant within the wider landscape and I concur with the concerns regarding the potential negative impact on the root system and the practicalities of such a tree if any development was sited too close.
9. Policy SWDP21 and additional supporting guidance contained in The South Worcestershire Design Guide Supplementary Planning Document (SPD) encourage all proposals for new development to be appropriate to the setting of the site and the surrounding landscape character and townscape, including existing urban grain and density. In the consideration of development proposals, the relationship to surroundings and other development and settlement character must be taken into account.
10. The policy and guidance expect development to integrate effectively with its surroundings, in terms of form and function. Development should take account of and reflect the given characteristics of the site as well as the distinctiveness of the wider locality and make a positive contribution to the surrounding area. The site forms part of the spacious verdant residential garden to a frontage dwelling. This property along with its neighbours in the immediate surroundings create a form of linear development which is a strong characteristic of the locality. Consequently, the development would fail to respect or enhance the character and appearance of the area contrary to Policy SWDP21 of the Development Plan and the Framework which,

among other things, requires development to be sympathetic to local character and contribute positively to making places better for people.

Other Matters

11. I note that neighbouring occupiers raised a number of objections to the scheme, some of which have been dealt with above. Had my findings in relation to the main issue been more favourable it would have been necessary to deal with other concerns including drainage and privacy in more detail, however as the appeal is being dismissed for other reasons I make no further comments on those matters.

Conclusion

12. For the above reasons, the appeal is dismissed.

S Hanson

INSPECTOR