



Appeal Decision

Site visit made on 9 July 2019

by R E Jones BSc (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 12th August 2019.

Appeal Ref: APP/J1860/D/19/3226551

116 Wells Road, Malvern, Worcestershire WR14 4JH

- 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 Mat Manning against the decision of Malvern Hills District Council.
 - The application Ref 18/01656/HP, dated 13 November 2018, was refused by notice dated 15 February 2019.
 - The development proposed is for the conversion of existing dormer bungalow to two storey dwelling including the erection of a detached garage, balconies and roof terrace (at existing garden level).
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Decision

1. The appeal is dismissed.

Procedural Matters

2. An illustrative drawing was submitted with the appeal to show the street scene of the proposal. This is not an amendment to this scheme, consequently I have had regard to this in reaching my decision.
3. The appellant also submitted a plan amending the decking to the rear of the proposed extension which seeks to overcome living conditions concerns in the refusal notice. However, neither the Council nor other interested parties have had an opportunity to comment on this. In the interests of fairness and having regard to the principles established by the Wheatcroft judgement, I have therefore assessed the appeal on the basis of the plans determined by the Council.

Main Issues

4. The main issues are:
 - (i) The effect of the proposal on the character and appearance of the area having regard to:
 - whether the proposed development would preserve or enhance the character or appearance of the Malvern Wells Conservation Area,
 - the setting of adjacent listed buildings; and

- the landscape and scenic beauty of the Malvern Hills Area of Outstanding Natural Beauty (AONB);
- (ii) The effect of the proposed development on the living conditions of the occupiers of Gothic Cottage, with particular reference to privacy.

Reasons

Heritage

5. The appeal site is in close proximity to Grade II listed buildings and also lies within the Malvern Wells Conservation Area (MWCA). I therefore have statutory duties to pay special attention to the desirability of preserving or enhancing the character or appearance of the conservation area and to have special regard to preserving the setting of the listed buildings. The National Planning Policy Framework (the Framework) states that heritage assets are an irreplaceable resource which should be conserved in a manner appropriate to their significance. It also advises that any harm or loss to designated heritage assets should require clear and convincing justification.

Malvern Wells Conservation Area

6. The appeal site comprises a detached brick dormer bungalow elevated above the highway and cut into the steeply sloping topography of the site. The rear garden slopes sharply upwards away from the dwelling and is characterised by mature trees and shrubs.
7. The significant features of the MWCA include, large detached dwellings with pitched and hipped roofs built in traditional styles and materials. Front gardens are enclosed by stone walls and mature vegetation. Sash style window openings and brick chimney stacks are notable design features of the dwellings, while a sequence of gas lit street lamps, forming a group listing, line Wells Road. These features all make a positive contribution to the MWCA.
8. The proposal involves a substantial extension to the dwelling, comprising the removal of the bungalow's existing roof and front dormer and replacement with a new flat roof. This upward extension would alter the shape of the dwelling by accentuating the width and height of the bungalow. Its contemporary design would fundamentally alter the profile of the property in marked contrast to the more traditional pitched and hipped roofs in the area. The proposal also includes large window openings with a substantial vertical and horizontal emphasis, that would appear significantly at odds with the more discreet and traditional sash style windows prevalent in other dwellings in the area.
9. Furthermore, the external timber cladding, would appear stark and unsympathetic in relation to dwellings in the surrounding area which are predominantly finished in stone, brick and light-coloured render. The appeal proposal's elevated siting and prominent location at the junction of Wells Road and Hollywell Road would accentuate the impacts described. In addition, the angular profile and use of vertical timber cladding would appear jarring against the verdant surroundings of the appeal site, as well as being incongruous when seen in relation to more traditional pitched and hipped roof dwellings.
10. It is contested that the proposed development is an innovative piece of architecture that has individual merit and an example of high-quality contemporary design that is encouraged by the South Worcestershire

Development Plan – Adopted February 2016 (the DP) and the Framework. I agree there is a place for innovative design that is in context with its surroundings, but in this instance, I am of the view that the design proposed would be harmful for the reasons set out above.

11. Other examples in the area, of where permission has been given for development of a similar design to the appeal proposal, have been provided. However, I do not have full details of the circumstances that led to these proposals being accepted, or whether they are in the MWCA. Therefore I cannot be sure they represent a direct parallel to the appeal proposal, including in respect of the development plan policy. In any case I have determined the appeal on its own merits.
12. Consequently, the proposed extension would be a significant and conspicuous addition to the MWCA by reason of its shape, elevated siting and use of materials, and would be wholly out of keeping with the prevailing pattern of development. It would therefore be harmful to the character and appearance of the Conservation Area, neither preserving or enhancing it, although in terms of the Framework this harm would be less than substantial.

Listed Buildings

13. Moving on to the proposal's impact on the setting of adjacent listed buildings. Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990, (the Act) requires the decision maker, in considering whether to grant planning permission for development which affects a listed building or its setting, to have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest.
14. To the immediate left of the appeal site when viewing from Wells Road is the Grade II Gothic Cottage, a mid-late 19th century orne style cottage of granite rubble construction with brick rusticated quoins and windows. The significance of its setting arises from its proximity to the road junction, its exposure to views from Wells Road and the surrounding vegetation giving it a sense of enclosure. The appeal property would rise above the roof line of Gothic Cottage, thereby appearing dominating and in doing so encroaching and eroding its verdant setting when viewed from the street. This would be harmful to the setting of Gothic Cottage.
15. In front of the appeal dwelling is a driveway that leads to the Grade II listed dwelling, The Ruby, a late 19th century three storey dwelling. The proposal would be in close proximity and elevated above the garden and private driveway of The Ruby, elements which I consider contribute to its setting. The proposal would rise above part of the garden and driveway appearing imposing from these areas, especially during winter when trees surrounding the dwelling would have less leaves to filter views. This resulting encroachment would harm the setting of the listed building.
16. The Grade II listed gas street lamp on the opposite side of Wells Road to the appeal site stands in an open, undeveloped frontage characterised by mature hedgerow. The appeal proposal, on the opposite, more built up side of the road does not intrude into this area, such that it would not harm the setting of the gas lamp. Furthermore, I do not consider that the proposal would compromise the setting of the Grade II listed dwelling, Cob Nash, the setting of which, is contained by tall boundary trees and would not be encroached by

the more distant appeal proposal. Drawing the threads of my assessment together in respect of the nearby listed buildings I have found that there would be harm to the setting of Gothic Cottage and The Ruby, although in terms of the Framework this harm would be less than substantial.

The Malvern Hills Area of Outstanding Natural Beauty

17. The Malvern Hills Area of Outstanding Natural Beauty Management Plan 2019-2024 (MP) lists at Chapter 7 some of the Special Features of the AONB. These include amongst other features 'high-quality built environment characterised by numerous distinctive features, such as settlement patterns, landmark buildings, garden layouts, boundary elements and planting traditions'. This chapter also lists some key issues when considering proposals and states that a 'lack of attention to issues such as local design, layout, scale and materials can harm the special qualities of the AONB and diminish the distinctiveness of the built environment'.
18. The proposal is consistent with some objectives of the Malvern Hills AONB Guidance on Building Design, in that it represents good design and uses timber cladding to assimilate into the landscape. However, the appeal site is in a sensitive edge of settlement location where the built form transitions to the natural vegetated hill slope to the rear. In this context, the proposal's bulk, angular shape and extensive glazing with potential for glare would increase the visual impact on the AONB to an unacceptable extent, such that it would harm its special features.

Findings

19. Where I have found that the proposed development would lead to less than substantial harm to the significance of the MWCA and surrounding listed buildings, this harm should be weighed against the public benefits of the proposal, as prescribed by the Framework. In this case the development is not adding to the provision of housing in the area and although this may add some small contribution to the local economy, I have found there to be no public benefit that would outweigh the harm.
20. For all the reasons above, I conclude that the proposal would fail to preserve or enhance the character or appearance of the Conservation Area, would harm the setting of Gothic Cottage and The Ruby and would be harmful to the landscape and scenic beauty of the AONB. As such it would conflict with Policies SWDP6, SWDP21, SWDP23, SWDP24 and SWDP25 of the South Worcestershire Development Plan – Adopted February 2016, paragraphs 124, 127, 172, 192 and 193 of the Framework, and the Malvern Hills AONB Partnership Guidance on Building Design. Amongst other matters, the policies outlined seek to promote good design, are sympathetic to local character, protect landscape, the historic environment and the landscape and scenic beauty of the Malvern Hills AONB.

Effect on living conditions of neighbours

21. The neighbouring dwelling at Gothic Cottage is located at a lower land level to the appeal proposal which would be sited higher up the slope that rises above Wells Road. The proposed rear deck would comprise a BBQ / hot tub area that would be elevated above Gothic Cottage itself and partially cut into the steep slope that forms the rear garden of the appeal property. Although the deck would be sited in close proximity to the boundary of Gothic Cottage, I am satisfied that the existing vegetation along the boundary of the appeal property is sufficiently dense, of an established appearance and appropriate height to mitigate overlooking into the neighbouring garden area and protect the privacy of its occupiers. If I was allowing this appeal a planning condition would ensure that the boundary trees and hedge are retained.
22. I therefore consider that the proposal accords with Policy SWDP21 of the DP which amongst other considerations seek to ensure development proposals provide neighbours with an adequate level of privacy.

Conclusion

23. I have found no harm to residents' living conditions as a result of the proposal. However, the determining issue in this case is the harm to the character and appearance of the Conservation Area, the setting of listed buildings and the adverse impact on the AONB, where I have concluded that the proposal is in conflict with the development plan.
24. For the reasons given, I conclude that the proposal is unacceptable, and the appeal is dismissed.

R. E. Jones

INSPECTOR