



Appeal Decision

Site visit made on 2 September 2019

by R Lankshear BSc (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 19 September 2019

Appeal Ref: APP/J1860/D/19/3231059

29 Mulberry Drive, Upton-upon-Severn, Worcester WR8 0ET

- 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 Ian Mills against the decision of Malvern Hills District Council.
 - The application Ref 19/00296/HP dated 17 February 2019, was refused by notice dated 2 May 2019.
 - The development proposed is described as 'modification of roof profile of existing double garage, including dormer window to rear of the garage'.
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Decision

1. The appeal is dismissed.

Main Issue

2. The main issue is the effect of the proposal on the character and appearance of the area.

Reasons

3. The appeal site is a modern detached dwellinghouse, within an established residential housing estate, finished in brick and tile, that has been previously extended. The property sits on the bend of the road and is set back from the road frontage of Mulberry Drive. The rear of the property is visible from Hyde Lane and a public right of way. The garage that is the subject of this appeal is to the side of the dwelling and is set back from the principal elevation.
4. The proposal is to alter both the front and rear roofslopes of the existing garage, increasing the pitch from 40 to 65 degrees and introducing a mansard roof to provide additional first floor accommodation. Two windows are proposed within the rear roofslope.
5. Whilst there is some variety in dwelling form and style within the wider area, the roofs in the street scene are generally consistent in terms of their pitch, which adds positively and distinctively to the character of the area. The proposed introduction of a mansard roof with an increased pitch would not reflect most of the other roofs within the wider estate and it would therefore appear incongruous in this context. I acknowledge that the garage is set back within a corner location, but nevertheless the development would be visible from Mulberry Drive as well as from Hyde Lane and the public right of way to the rear. The extension would appear as a discordant addition to the existing

garage and would cause significant harm to the character and appearance of the area.

6. For the reasons outlined above, I conclude that the proposal would conflict with the design requirements of policy SWDP21 of the adopted South Worcestershire Development Plan 2016, South Worcestershire Design Guide SPD 2018 and chapter 12 of the National Planning Policy Framework 2019.

Other Matters

7. The appellant identifies a fallback position in the form of a certificate of lawfulness granted for works including a dormer to the rear roof slope of the garage. Although limited details have been provided, this has not been contested by the Council. Whilst no works to the rear roof slope had been undertaken at the time of visiting the site, there is a greater than theoretical possibility that such works may take place. However, noting that the appeal proposals also include works to the principal front elevation, I consider that the identified fallback position would be less harmful than that proposed under this appeal. I also do not find the suggestion that the proposal would balance the roof slope, a convincing argument in favour of the appeal development.
8. The appellant contends inconsistent subjective judgement on design issues by the Council including permitting contrasting developments elsewhere and that mansard roofs are evident within the wider area. I am not aware of the full circumstances relating to the developments elsewhere and, in any event, I have determined this appeal on its individual planning merits.
9. The appellant has raised concern with regard to the manner in which the Council determined the application including consultation with local councillors and weight given to representations. Whilst I acknowledge these concerns, I have approached the determination of this appeal with an open mind and have considered the development against relevant local and national planning policies.
10. I acknowledge the appellants contention that the proposal is intended to mitigate loss of privacy for the occupiers of 31 Mulberry Drive arising from the existing balcony. However, the proposal does not necessarily represent the only means available to mitigate such harm as demonstrated by the existing screen. In any event, this is not a matter that would outweigh or alter my conclusion on the main issue.
11. Whilst I note the comments of the appellant with regard to conflicting statements within the Design Guide SPD, such comments do not address my identified conflict with the policy in the adopted development plan.
12. None of the other matters outweigh or alter my conclusion on the main issue.

Conclusion

13. For the above reasons, and taking into account all other matters raised, I conclude that the appeal should be dismissed.

Robert Lankshear

INSPECTOR