
Appeal Decision

Site visit made on 27 August 2019

by J Gibson BUEP MPIA

an Inspector appointed by the Secretary of State

Decision date: 20 September 2019

Appeal Ref: APP/J1860/D/19/3230279
89 Wells Road, Malvern WR14 4PB

- 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 Mrs L Munford against the decision of Malvern Hills District Council.
 - The application Ref 18/01827/HP, dated 17 December 2018, was refused by notice dated 4 April 2019.
 - The development proposed is side annex extension and insert windows to front elevation.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are the effect of the proposal on:
 - the character and appearance of the surrounding area, including whether it would preserve or enhance the character or appearance of the Malvern Wells Conservation Area (CA); and
 - the living conditions of neighbouring occupiers at 87 Wells Road, with particular regard to light and sense of enclosure.

Reasons

Character and appearance

3. Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires that special attention be given to the desirability of preserving or enhancing the character or appearance of the conservation area. The appeal property is located within the Malvern Wells CA which is strongly characterised by dwellings set amongst a spacious hillside setting, with prominent views extending towards the open countryside.
4. The appeal property is located on the low side of Wells Road and is partially hidden by hedges running along the front boundary. However, prominent views of the existing dwelling and wider landscape occur within the street scene. Notably, the roofline and each side of the dwelling is visible, due in part to breaks in the hedging created by driveways.

5. The proposed side extension towards the boundary shared with 87 Wells Road would increase the prominence of the dwelling within the street scene. Consequently, the current views of the open countryside beyond the dwelling would be obscured, harming the value they add to the CA. The combined height and width of the extension would affect the sense of space around the dwelling within the plot. The design would result in the unbalanced siting of the dwelling within the plot, which is not characteristic with the immediately surrounding pattern along the low side of Wells Road.
6. Accordingly, the proposal would harm the character and appearance of the surrounding area, and would not preserve or enhance the character or appearance of the CA. In accordance with Paragraph 196 of the Framework I find the harm of the proposal to the CA as a designated heritage asset to be less than substantial. Therefore, I have had regard to whether the proposal offers any public benefits which may outweigh this harm. The proposed extension would afford the current occupants with additional living space, improve their living conditions, repair parts of the existing dwelling and would make efficient use of the land. However, on balance these benefits hold little public value and therefore do not outweigh the harm identified.
7. Consequently, the appeal proposal conflicts with Policies SWDP6, SWDP21 and SWD24 of the South Worcestershire Development Plan (2016) (DP), and Paragraphs 192 and 193 of the Framework. The policies seek, amongst other things, to ensure development preserves or enhances the character and appearance of the CA through quality design.

Living conditions

8. The relationship between the appeal property and No 87 is characterised by the topography of the land and the existing built form on the appeal property along the shared boundary. No 87 sits lower than the appeal property, however I saw on my site visit that views of the existing dwelling are limited from No 87. This is due to the current setback of the host dwelling, and the siting of a single storey garage and side annex along the shared boundary.
9. The proposed side extension seeks to replicate the physical scale, form and bulk of the host dwelling. This would increase the visual prominence of the appeal dwelling from within the dwelling at No 87. The extension would introduce an uncharacteristic sense of enclosure, and would result in a higher degree of overshadowing than is currently experienced by the neighbouring occupiers. I note the appellant's points regarding the existing relationship between the properties, similar examples nearby, and contrary measurements based on aerial photography. However, I am not satisfied that the evidence provided adequately demonstrates that there is no harm, or that the identified harm is acceptable.
10. Accordingly, the proposed side extension would harm the living conditions of neighbouring occupiers at No 87 Wells Road, with particular regard to light and sense of enclosure. Therefore it would conflict with Policy SWDP21 of the DP, the South Worcestershire Design Guide Supplementary Planning Document (2018) (SPD), and Paragraphs 124 and 127 of the Framework. Collectively these policies seek, amongst other things, to ensure that development does not unduly harm the living conditions of neighbouring occupants and their properties.

Other matter

11. The appeal property also falls within the Malvern Hills Area of Outstanding Natural Beauty (AONB). Section 85 of the Countryside and Rights of Way Act and Paragraph 172 of the National Planning Policy Framework (the Framework) requires that great weight be given to conserving and enhancing the landscape and scenic beauty of the AONB. The reason for refusal does not identify any harm to the AONB. Having regard to the evidence before me I have no reason to come to a different conclusion.

Conclusion

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

J Gibson

INSPECTOR