



Appeal Decision

Site visit made on 1 October 2019

by D. Szymanski, BSc (Hons) MA, MRTPI

an Inspector appointed by the Secretary of State

Decision date: 11th October 2019

Appeal Ref: APP/D1835/W/19/3233604

30 Blenheim Road, St. Johns, Worcester, WR2 5NG

- 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 Hayden Hughes against the decision of Worcester City Council.
 - The application Ref: 19/00039/FUL dated 5 February 2019, was refused by notice dated 17 May 2019.
 - The development proposed is a 2-bedroom detached dwelling.
-

Decision

1. The appeal is dismissed.

Procedural Matters

2. Part of the second of the Council's reasons for refusal refers to the proposed development leading to the 'unacceptable overshadowing of the conservatory of No. 30B.'. However, it is clear from the submitted plans and my site visit that this should refer to No. 30A.

Main Issues

3. The main issues are the effect of the proposed development upon:
 - the character and appearance of the area;
 - the living conditions of the occupants of No. 30 Blenheim Road with particular regard to outlook;
 - the living conditions of the occupants of No. 30A Blenheim Road with particular regard to loss of light;
 - the living conditions of the occupants of No. 30 Blenheim Road and the future occupants of the new dwelling with particular regard to private amenity space;

Reasons

Character and appearance

4. The appeal site is one of a number of similar semi-detached dwellings along Blenheim Road with gable or hipped gable roofs and side garages or driveways providing wide gaps, allowing views between dwellings, giving a rhythmic and spacious feel to the street scene. No. 30A Blenheim Road is a newer detached

gable roof dwelling of a differing style, however its alignment and the space between it and neighbouring dwellings, means it maintains the feeling of rhythm and space.

5. The proposed new dwelling would be located between Nos. 30 and 30A facing onto Blenheim Road, infilling a characteristic generous gap, thereby disrupting the marked spacious feel and rhythm that is a notable positive characteristic of the area. The new dwelling would leave a particularly narrow gap between No 30A, resulting in a cramped feel, that would be at odds with the relationship between other dwellings nearby, thereby appearing incongruous.
6. The new dwelling would have a main gable roof facing the highway, appearing to increase its height and exacerbating its appearance of being narrow and cramped. A side facing cross gable close to the front elevation would result in it having a lopsided appearance unlike the balanced appearance of the roofs of dwellings either side. The resultant impact of the roof upon the first floor window arrangement is to make them appear unduly cramped onto the elevation, contrary to the appearance of other dwellings nearby. The overall arrangement and appearance of the new dwelling would have jarring effect when viewed from Blenheim Road.
7. For the reasons set out above the proposed development would appear incongruous and would be significantly harmful to the character and appearance of the area. Therefore, it would conflict with Policy SWDP 21 of the South Worcestershire Development Plan (2016) (the SWDP) which expects development to be of a high quality design, complement the character of an area, respond to the qualities of an area, and reinforce local distinctiveness. It would also be contrary to paragraph 127 of the National Planning Policy Framework (2019) (the Framework) which expects new development to be sympathetic to local character and maintain a strong sense of place.
8. The appellant has suggested that a 2m high larch fence is to be installed on the front boundary between Nos. 28 and 30, which the appellant suggests is a benefit of the scheme. This fence is not on the plans before me and I am unsure whether this matter has been the subject of consultation by the Council. However, if the increased fence were to be included, it would further weigh against the proposal in respect of character and appearance.

Living conditions – outlook

9. The proposals require the demolition of an existing ground floor extension to the rear of No. 30 to make room for the south eastern corner of the new dwelling. This corner and part of the two-storey flank elevation would cut across and be located directly in front of the rear elevation and kitchen window of No. 30 at a distance of approximately 3.5 metres. Even if I were to discount the side kitchen window as being 'non-habitable', the short distance, positioning and two-storey height would have an oppressive and overbearing feeling that would unacceptably impact upon the outlook from the rear kitchen window of the host property, resulting harmful living conditions to the occupants of No. 30.
10. The appellant has offered the provision of patio doors to the rear of the kitchen. However, this does not appear on the plans before me, and even if it did, based upon the information before me it would not alleviate the harm I have found.

11. For these reasons the proposed development would conflict with Policy SWDP21 of the SWDP which requires that development should provide an adequate level of outlook for neighbouring properties. It would also be contrary to paragraph 127(f) of the Framework, which requires planning decisions should create places that promote health and well-being with a high standard of amenity.

Living conditions – daylight

12. Reason for refusal No. 2 refers to the 'unacceptable overshadowing of the conservatory', but there appears to be little further detail to justify the reasons for this conclusion in the Council's report. The appellant's plans suggest the effect of the overshadowing would equate to a 22% daylight loss, which does not appear to be disputed by the Council, nor is there confirmation or evidence to suggest why this level would be unacceptable. The proposed dwelling would only sit around 1m deeper than the main rear wall of No. 30A, which would appear an acceptable depth. Based upon my site visit and the limited evidence before me, in this regard, I do not find the development would result in harmful living conditions to the occupants of No. 30A by reason of loss of daylight or overshadowing.
13. For the reasons set out above I do not find conflict with Policy SWDP21 of the SWDP which expects development to ensure adequate levels of daylight and sunlight. Whilst there may be some degree of conflict with the advice in section 5E (7) of the South Worcestershire Design Guide Supplementary Planning Document (2018) (the SPD), this advice appears to seek to avoid overshadowing as a matter of principle, rather than suggesting acceptable or unacceptable standards. I do not find conflict with paragraph 127(f) of the Framework, the relevant provisions of which I have referred to above.

Living conditions – private amenity space

14. Private amenity space should be both sufficiently private and be capable of meeting the likely needs of current and future occupiers as outdoor living space for domestic activities. This includes activities such as bin storage, drying clothes, sitting outside, playspace, and gardening or landscaping opportunities.
15. The proposed new dwelling would have approximately between 35 – 40 sqm of private amenity area to the rear (depending upon whether the Council's or appellant's measurement is applied). Even at the lower amount, the main private area is of a reasonably useable and regular shape and size, such that it would not be so unacceptable that it would result in harmful living conditions to future occupants of the new dwelling.
16. The host dwelling would retain an irregular wedge-shaped private rear amenity area, and the plans indicate two additional narrow wedges of amenity space along the north side of No. 30, one behind a fence, and a second behind the hedgerow fronting the highway. Even if I were to take both side areas into account, the size and shape of the three spaces would not be pleasant or useable as outdoor living space and would be harmful to the living conditions of the occupants of No. 30 Blenheim Road.
17. The appellant has sought to include the main front garden area as part of the amenity space calculation, however, I have insufficient details to confirm the detailed fence enclosure/alignment would make this area sufficiently private.

18. For the reasons set out above the proposed development would result in harm to the living conditions of the occupiers of No. 30 Blenheim Road by reason of the poor quality of private amenity space. This would conflict with paragraph 127(f) of the Framework, which requires decisions should create places that promote health and well-being with a high standard of amenity.
19. The appellant suggests the existing property benefits from only 16 sqm of private amenity space, so the proposed development would result in an improvement. Even if this were the case, this would not outweigh the harm I have found in respect of the other main issues set out above.

Other Matters

20. The Highway Authority is satisfied the development could provide the requisite sized parking spaces and visibility splays. Whilst I note the reservations of the planning officer and some neighbouring properties, there is no substantive evidence before me that would lead me to conclude against the recommendation of the Highway Authority.
21. The appellant advocates the proposals would improve existing access and visibility. I have seen no reference to an overall highway improvement by the Highway Authority or planning officer, and I have not seen this demonstrated by the appellant. However, even if this were the case, it would not override the harm in respect of character and appearance and living conditions.
22. There is no objection raised by the Council's specialists in respect of land drainage or flooding, and there is no substantive evidence before me that would lead me to a conclusion, other than that the proposed development could accommodate means of securing adequate drainage.

Sustainable development

23. The Council has stated that it has 5 year housing land supply, and I have seen no comments from the appellant that contest this, or any evidence that would lead me to doubt the Council's claims. Notwithstanding this there would be some small benefit to the development through the supply of a single dwelling. It would be located in what can be considered a relatively sustainable location, and there would be a small temporary economic benefit during construction a small sustained benefit to the local economy once occupied. However, the limited benefits do not outweigh the harm that I have identified above. The relevant development plan policies are up-to-date and Framework compliant, including in respect of paragraph 11 and thus the presumption in favour of sustainable development does not apply and the primacy of the development plan prevails.

Conclusion

24. The proposed development would be contrary to the development plan and the National Planning Policy Framework and there are no other considerations advanced, including the policies of the Framework, which outweigh this finding. Accordingly, for the reasons given, the appeal should not succeed.

Dan Szymanski

INSPECTOR