



Appeal Decision

Site visit made on 3 September 2019

by E Griffin LLB Hons

an Inspector appointed by the Secretary of State

Decision date: 14 October 2019

Appeal Ref: APP/H1840/W/19/3230616

**The White House/Mews House, Worcester Road, Wychbold,
Worcestershire WR9 7PE**

- 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 P.M. Brooks of Premier Building Ventures against the decision of Wychavon District Council.
 - The application Ref 19/00303/FUL dated 4 February 2019 was refused by notice dated 15 April 2019.
 - The development proposed is demolish two existing dwellings together with outbuildings and erect 6 No Dwellings; 2 x 4 bed detached 3 x 3 bed detached 1 x 2 bed detached.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are the effect of the appeal proposal on (i) the character and appearance of the area (ii) the living conditions of future occupiers of Plot 6 with regard to outlook and natural light (iii) the living conditions of the occupiers of Rivendell with regard to overshadowing and outlook and (iv) whether or not the appeal proposal would make adequate provision for affordable housing.

Reasons

Character and appearance

3. The White House is a prominent detached traditional dwelling set in a spacious plot that fronts onto and has access from Worcester Road. The Mews House is attached to the rear elevation of the White House. The Hollies is a substantial traditional detached dwelling to the side of the White House set back from the front with a spacious garden.
4. To the other side of the appeal dwelling, there is a narrow lane called Chapel Mews with Lowe Ridge which is also a traditional house to the other side of Chapel Mews. Although there is newer development across the road from the appeal site, the new development is less prominent than the appeal dwelling partially because the appeal site is in an elevated position.

5. Whilst the style of dwellings is mixed along Worcester Road, dwellings in the immediate vicinity of White House are generally traditional in design and their character with spacious plots that contribute to the character of the village.
6. Chapel Mews provides access to the Mews House and also to Rivendell which is a detached dwelling on the rear boundary of the appeal site. The lane is the sole vehicular route to Rivendell from Worcester Road and is bollarded at the end of the lane just beyond Rivendell preventing through vehicular traffic.
7. The appeal proposal would demolish the White House and the Mews House and replace them with six new dwellings. Five dwellings of two and a half storeys would face the road and a sixth dwelling is proposed to the rear of the appeal site in close proximity to the boundary with Rivendell.
8. Although the five dwellings to the front would be detached, the gap between each dwelling and with the boundaries of the appeal site would be minimal. The height of the dwellings although no higher than the White House would appear taller due to the overall extent of the development across the width of the appeal site. The two end dwellings would have top heavy roofs with two dormer windows at roof level. The three middle dwellings would have gable fronts. Two car ports would be positioned to the front of the appeal site with a large expanse of hardstanding to allow for access to the three bay car ports and to six car spaces for the middle three dwellings.
9. The proximity of the 5 dwellings each of two and a half storeys to each other would create a terracing effect which would be out of keeping with the surrounding development which is largely houses set in spacious plots. Five dwellings across the site and a sixth dwelling along the eastern boundary together with two car ports to the front of the site combine to create a cramped appearance. The appellant has provided a number of photographs to indicate that there are different types of housing along Worcester Road. Whilst that is not disputed, I do share the Council's view that the appeal site and the Hollies are both prominent dwellings in spacious settings and that the appeal proposal would lack the openness that currently exists in this particular section of the road.
10. The Council has referred to the lack of green infrastructure resulting in a form of development that would be too dense. However, the Council accepts that with a mix of brown and greenfield land, the appeal site falls below the policy threshold that would require a specific amount of green infrastructure on the appeal site. Nevertheless, Policy SWDP 21(xii) does require development to provide high quality hard and soft landscaping. The extent of the built development and hardstanding proposed does mean that opportunities for soft landscaping and green infrastructure within the appeal site would be limited and would further emphasise the cramped nature of the development.
11. The appeal proposal would therefore be harmful to the character and appearance of the area. It would also be contrary to Policy SWDP 21 of the South Worcestershire Development Plan Adopted February 2016, which, amongst other things, states that development proposals must complement the character of the area. It would also not comply with the principles of the South Worcestershire Residential Design Guide which refers to raising the standard of design through development that enhances local character. I do find Policy SWDP13 to be of less relevance than Policy SWDP21 which relates more directly to the overall character of the appeal proposal.

Living conditions of the occupiers of Plot 6

12. Rivendell is a detached two storey dwelling positioned with its side elevation directly along the rear boundary of the appeal site as Rivendell faces Chapel Mews. Plot 6 would be around 1 metre from the side elevation with Rivendell and also in close proximity to the rear gardens of the other five appeal dwellings. The only windows proposed on the side elevation of the bungalow nearest to Rivendell would be one bedroom window with a more modest window to the bathroom. To the other side, there would be a dining room window and a side door. The windows and door would face directly onto either the boundary wall with Rivendell or the boundary treatment for the 5 other new dwellings.
13. The appellant indicates that applying a 25 degree assessment, the top half of the second bedroom window would still gain natural light from above the boundary wall and that this would be the only the window that would be the sole window serving a habitable room. The appellant further suggests that landscaping could soften the boundary wall. However, the modest gap between the proposed bungalow and the boundary wall would be likely to limit the effectiveness of any landscaping. The number of windows to the bungalow as a whole is modest and limited light within the second bedroom is likely to impact upon living conditions.
14. I do therefore find that the proximity of the existing boundary wall with Rivendell to the one side and the new boundary treatment to the rear of the other 5 new dwellings to the other would result in harm to the living conditions of the future occupiers of the Plot 6 due to loss of natural light and a reduced outlook.
15. It would therefore be contrary to Policy SWDP21(iv) which, amongst other things, states that development should provide an adequate level of outlook and daylight.

Living conditions of occupiers of Rivendell

16. The position of Rivendell in the north west corner of its plot means that all of its outdoor amenity space is to the south. Plot 6 would be more central so that it would be close to the existing brick boundary wall of around 2metres for approximately 14.5 metres with Rivendell's amenity space to the other side of that boundary. However, the bungalow would be to the west of Rivendell and with its dual pitch roof and single storey height, there would be limited overshadowing. With regard to outlook, the corner position of Rivendell would limit views of the bungalow from the house itself and the height of the boundary wall together with the spacious nature of Rivendell's amenity space would limit impact to outlook. On balance, I do not consider that there would be harm to the living conditions of the occupiers of Rivendell with regard to overshadowing or loss of outlook.
17. It would therefore not be contrary to Policy SWDP21(iv) which states, amongst other things, that development should provide adequate levels of sunlight, daylight and outlook.

Affordable Housing

18. The parties are not in agreement as to whether the relevant policies require the appeal proposal to make affordable housing provision. The Council refers to Policy SWDP 15B (v) which states that on sites of less than 5 dwellings a financial contribution towards local affordable housing provision should be made.
19. The appellant has provided details of the Council's Affordable Housing SPD (October 2016) (the Housing SPD) which is intended to be a guide to the interpretation of policies that relate to affordable housing. The guidance states that on sites of 5 dwellings or less, no affordable housing contributions will be sought across the whole of the plan area.
20. Paragraph 63 of the National Planning Policy Framework and the Planning Practice Guidance¹ state that provision of affordable housing should not be sought for residential development that are not major developments other than in designated rural areas (where policies may set out a lower threshold of 5 units or fewer). Policy SWDP 15B(v) is therefore consistent with the Framework notwithstanding the guidance set out in the Housing SPD.
21. I therefore do find that in not making affordable housing provision secured by way of a section 106 agreement that the appeal proposal is contrary to Policy SWDP 15B (v). I have been referred to the Developer Contributions SPD but that document is not relevant as it does not deal with affordable housing.

Other matters

22. The appellant has stated that the proposed bungalow would contribute towards an evidenced need for single storey occupation for elderly people. However, the modest contribution of one dwelling would make towards any unmet need would not overcome the harm that I have identified.

Conclusion

23. I have not found harm to the living conditions of the occupiers of Rivendell. However, I have found that the appeal proposal would harm the character and appearance of the area, it would also harm the living conditions of future occupiers of Plot 6 and it fails to make adequate provision for affordable housing.
24. For the reasons given, the appeal is dismissed.

E. Griffin

INSPECTOR

¹, Paragraph: 023 Reference ID: 23b-023-20190315