



Appeal Decision

Site visit made on 29 October 2019

by J Williamson BSc (Hons) MPlan MRTPI

an Inspector appointed by the Secretary of State

Decision date: 14th November 2019

Appeal Ref: APP/J1860/D/19/3235456

2 Longbank, Dunley, Stourport-on-Severn

- 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 Ms Lucy Calvert against the decision of Malvern Hills District Council.
 - The application Ref 19/00855/HP, dated 11 June 2019, was refused by notice dated 9 August 2019.
 - The development proposed is two storey rear extension.
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Decision

1. The appeal is allowed, and planning permission is granted for a two-storey rear extension, at 2 Longbank, Dunley, Stourport-on-Severn, in accordance with the terms of the application Ref 19/00855/HP, dated 11 June 2019, subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
 - 2) The development hereby permitted shall be carried out in accordance with the following approved plans: Location Plan, 3779-01 and 3779-02B.
 - 3) The materials to be used in the construction of the external surfaces of the development hereby permitted shall match those used on the existing building.
 - 4) The development hereby permitted shall be carried out in strict accordance with the recommendations set out in the Preliminary Roost Assessment report submitted with the planning application, paragraphs 1 to 3, carried out by Focus Ecology Ltd, dated 29 November 2019.

Procedural Matters

2. I have removed the phrase "amendment to previously approved scheme under 18/01614/HP from the description of development as this is not a description of any part of the development.

Main Issues

3. The main issues are the effect of the proposed development on the host dwelling and the character and appearance of the area.

Reasons

4. The property is a two-storey, semi-detached dwelling which has already been extended to include single-storey side and 1.5-storey/single-storey rear extensions. The site is located within the village of Dunley, in the open countryside in planning policy terms. The residential properties within the vicinity of the site comprise of a mix of two-storey terraced, semi-detached and detached dwellings, some of which have gable-style dormers.
5. The existing rear extensions would be demolished and replaced with a two-storey extension that would be larger than the existing rear extensions in respect of depth, height and volume. Indeed, the proposed extension would be larger than the original house itself in all respects except for the roof ridge height, which would be the same. The proposal would have a dual-pitched roof, which would create a valley gully between the original and proposed roof, and 2 half dormer windows.
6. I consider that the size of the proposed extension would dominate both the original and the existing extended dwelling. Extending the property to the extent proposed would erode the cottage-style character and appearance of the host dwelling. Such a significant change to the host property would also erode the character and appearance of the rural area.
7. Consequently, the proposal would not accord with Policy SWDP 21 of the South Worcestershire Development Plan (2016) (SWDP), the design principles outlined in the South Worcestershire Design Guide Supplementary Planning Document (2018), (SPD), or the design objectives of the National Planning Policy Framework (the Framework). Collectively, these policies and guidance require all development to be of high quality design, reflect the characteristics of the site and be sympathetic to and integrate effectively with its surroundings. Furthermore, the SPD advises that extensions should be subordinate to the host dwelling and roof heights should normally be lower than the original.
8. Nonetheless, planning legislation requires me to determine the appeal in accordance with the development plan, unless material considerations indicate otherwise.¹ The evidence shows that planning permission has fairly recently been granted at the site, Ref 18/01614/HP, for a two-storey rear extension; details of this scheme have been submitted with the appeal.
9. The appellant asserts that the footprint and volume of the proposed extension are no different to the approved scheme. The Council has not challenged this, and I have no reason to do so either. The essential difference between the 2 schemes relates to their roof designs, with the approved scheme having 3 gables at the rear, roof ridges a little lower than the existing and a series of valley gullies. Having compared the 2 schemes, I consider that the proposed two-storey rear extension isn't perceptively larger or bulkier than the approved extension; the design features of the approved scheme aren't any less sympathetic to the host dwelling and it isn't significantly less subordinate to the host dwelling than the proposal before me.
10. In addition, although the property is sited at an elevated position above the passing road, due to high hedges and trees located along the front boundaries

¹ Planning and Compulsory Purchase Act 2004, s38(6).

of the semi-detached properties and along the boundaries of their immediate neighbouring fields, the site is barely visible from public vantage points.

11. In light of the above, I consider that the proposed development would be no more harmful to the character or appearance of the host dwelling or the character or appearance of the area than the approved, fallback scheme. Furthermore, I see no reason why the appellant would not implement the approved scheme. Consequently, I give significant weight to the fallback position as a material consideration. It is for these reasons that I am allowing the appeal, contrary to the development plan.

Other Matters

12. A Preliminary Roost Assessment was submitted with the application which concluded that the likelihood of the proposal having any significant impact on bats is "very low/negligible". I consider the recommendations in the report will ensure that works could be carried out without affecting a European Protected Species (EPS). As such the proposal accords with Policy SWDP 22 of the SWDP, which seeks to protect EPS.
13. A Water Management Statement (WMS) was submitted with the application. The site is not in a flood zone. The WMS states that there would be no increase in run-off water from the site as a result of the proposed development. Policy SWDP 29 of SWDP requires all development proposals, "as appropriate to their scale and nature" to, among other things, demonstrate through a WMS that site drainage and run-off will be managed in a sustainable and co-ordinated way, mimicking the natural drainage network. I consider the proposed extension to be small scale and the nature of it is such that no harm would result in respect of flood risk, water quality, groundwater recharge, biodiversity or amenity interests, which is what the Policy seeks to control. As such, the proposal accords with Policy SWDP 29 of the SWDP.

Conditions

14. I have attached standard conditions regarding approved plans and external materials for the avoidance of doubt and to protect the character and appearance of the host property and the area. I have attached a condition requiring works to be carried out in accordance with the recommendations in the submitted Preliminary Roost Assessment survey. This is to ensure the protection of a EPS and to provide a net biodiversity gain, via the installation of a bat box, in accordance with the requirement of the Framework to provide net gains for biodiversity.
15. Although a condition has been suggested by the Council for works to be completed in accordance with the proposals outlined in the WMS submitted with the application, I have not attached such a condition as I consider it would not meet the tests that it is required to meet, as outlined in the Planning Practice Guidance². As there would be no increase in run-off water from the site as a result of the proposed development, such a condition is not necessary for it to be permitted. As such, it is not reasonable to require the appellant to carryout the works proposed in the WMS.

² Paragraph: 003 Reference ID: 21a-003-20190723

Conclusion

16. For the reasons outlined above, I conclude that the appeal is allowed, subject to the conditions.

J Williamson

INSPECTOR