



Appeal Decision

Site visit made on 4 November 2019

by John Felgate BA(Hons) MA MRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 15 November 2019

Appeal Ref: APP/H1840/W/19/3235253

'Sennen', Ivy Lane, Fernhill Heath, Worcestershire WR3 8RW

- 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 D Dewett against the decision of Wychavon District Council.
 - The application Ref 19/00164/FUL, dated 21 January 2019, was refused by notice dated 15 July 2019.
 - The development proposed is the construction of a new dormer style dwelling, and alterations to the existing property.
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Decision

1. The appeal is dismissed.

Main Issues

2. The proposed alterations to the existing property, 'Sennen', are not in dispute. The main issues in the appeal therefore relate only to the proposed new dwelling, as follows:
 - the effects of the development on the character and appearance of the area;
 - the effects on neighbouring occupiers, in terms of overlooking and privacy;
 - and whether the new property would have adequate private amenity space to serve the needs of future occupiers.

Reasons

Character and appearance

3. The proposed dwelling would be sited on what is now Sennen's side garden, at the corner where the main north-south section of Ivy Lane joins the shorter east-west section. Although this space is not particularly wide, it contributes a sense of space, in keeping with the pattern of development elsewhere along the street.
4. The new dwelling would occupy a large part of this space. It would take up almost the whole of the available width between the existing house and the road to the side, with only a paved pathway and a narrow grass strip remaining. Between the new dwelling and Sennen, the separation would be little more than a metre in width. At the back of the site, the space between the new building and the rear boundary would appear small in relation to the depth and height of the building itself.

5. As a result of these features, it seems to me that the new dwelling would appear excessively cramped and over-dominant on its site. The sense of spaciousness between and around buildings, and in the street scene generally, would thus be harmfully diminished.
6. I appreciate that the proposed development would match Sennen, and its attached neighbour 'The Cherrytree', in terms of height, building line, materials and architectural style. I also accept that the existing house plots in the area are not of uniform size, and some are no larger than the appeal site. As a cul-de-sac, Ivy Close is not heavily used, and the development would therefore not be seen by large numbers of passers-by. But none of these considerations alters my view that it would be harmful to the character of the area, for the reasons already stated.
7. I therefore conclude that, due to its size and siting, the proposed development would fail to integrate well with its surroundings, or to reinforce local distinctiveness, or complement the character of the area. In all these respects, the scheme would conflict with Policy 21 (ii) of the South Worcestershire Development Plan (the SWDP), adopted in February 2016.

Effects on neighbouring occupiers

8. At first floor level, the proposed new dwelling would have a bedroom window overlooking the rear garden of No 10 Agatha Gardens, at close range. The part of the garden most affected would include that part immediately adjacent to the dwelling itself. In these circumstances, overlooking from a habitable room in such close proximity to the boundary could not avoid causing a serious loss of privacy.
9. According to the Council's officer report, in discussions with the appellant, consideration has been given to the use of obscure glazing on this window, which could potentially be secured by condition. However, the appellant has not commented on this suggestion, and I note that no such condition is currently proposed. And in any event, the submitted drawings indicate that obscure glazing is already proposed on the other window in the same bedroom, which would face towards No 2 Ivy Lane. This being so, the addition of yet more obscured glass, to overcome the overlooking of No 10 Agatha Gardens, would result in the room in question having no external outlook at all, and thus providing living conditions which would be unacceptable.
10. The distance between the proposed new dwelling and No 2 Ivy Lane (and also No 1, albeit to a lesser extent) is greater than that to the boundary of 10 Agatha Gardens. In addition, the windows which would potentially be affected in the Ivy Lane properties are at the front, where the level of privacy expected is usually less than at the rear. It therefore might be that a different solution could be found which struck an acceptable balance between the privacy of neighbours and living conditions at the proposed dwelling. But the proposals before me now do not strike that balance. Nor do I see any way, within the terms of the current scheme, that this could be remedied by conditions.
11. I therefore conclude that the proposed scheme would result in an unacceptable loss of privacy to No 10 Agatha Gardens, contrary to criterion (iv) of the same policy, Policy 21 of the SWDP, that I have referred to above, which seeks to protect neighbouring amenity in all developments.

Private amenity space

12. The South Worcestershire Design Guide SPD¹, adopted March 2018, seeks to ensure a usable garden space of 20 sq m per bedroom. Although this is directed mainly at extensions, I see no reason why it should not be equally applicable to the present proposal. The appeal scheme would retain a rear garden of 54 sq m for the existing 3-bedroom property, which would fall some way short of the SPD's requirement.
13. I note the suggestion that part of the front garden could be screened off and used as a patio, but this would not enjoy a high degree of privacy as required by the SPD.
14. The garden provided for the proposed new dwelling would be 40 sq m, which would just meet the SPD requirement for a 2-bedroom dwelling. But in the present case the proposed design shows a large master bedroom, which would potentially lend itself to subdivision, and also a very large basement area. Although it might be possible for the number of bedrooms to be limited by condition, no such conditions are currently proposed, and I have doubts as to whether they could realistically be enforced, as any breach would be difficult to detect. Consequently, the proposed garden space would not be fully compatible with the overall size of the property, as required by the SPD.
15. I therefore conclude that the proposed dwelling would fail to provide adequate private amenity space to serve the needs of future occupiers, contrary to the SPD, and contrary to the aims of SWDP Policy 21 with regard to good design.

Other Matters

16. I note that the proposed development would suit the appellant's needs and those of his family. I also accept that finding an existing property which would meet those needs in the same way might be difficult. I agree that the development would be locationally sustainable, and would accord with the Council's spatial strategy, and that it would contribute to the supply of housing in the area. However, none of these considerations outweighs the harm that I have identified.

Conclusion

17. For the reasons set out above, the proposed development would conflict with the development plan, and with relevant supplementary guidance, by causing harm to the area's character and appearance, and to the living conditions of neighbouring occupiers, and by providing inadequate private garden space for future occupiers. These conflicts would not be outweighed by other material considerations.
18. I have taken account of all the other matters raised, but none changes these conclusions. The appeal is therefore dismissed.

J Felgate

INSPECTOR

¹ Supplementary Planning Document