
Appeal Decision

Site visit made on 29 October 2019

by Bhupinder Thandi BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 31 December 2019

Appeal Ref: APP/H1840/W/3233895

Rear of 35 and 37 Station Road, Fernhill Heath

- 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 Paul Brooks against the decision of Wychavon District Council.
 - The application Ref 19/00118/FUL, dated 15 January 2019, was refused by notice dated 2 July 2019.
 - The development proposed is for 6 residential dwellings to the rear of 35 and 37 Station Road (3 x 4 bed and 3 x 3 bed).
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Decision

1. The appeal is allowed and planning permission is granted for 6 residential dwellings 3 x 4 bed and 3 x 3 bed to the rear of 35 and 37 Station Road, Fernhill Heath in accordance with application, Ref 19/00118/FUL dated 15 January 2019 subject to the schedule of conditions at the end of this decision.

Main Issue

2. The main issue is the effect of the proposed development upon the character and appearance of the area.

Reasons

3. The appeal site comprises an overgrown rectangular parcel of land located to the rear of No 35 and 37 Station Road. The boundary treatment largely comprises timber fencing and planting with a small group of trees along the western boundary. Access to the site is from Rossendale Close located to the north.
4. The site is surrounded by existing residential development on all sides in the form of Perrycroft Close, a small residential cul-de-sac located to the south with the head of the close adjoining the boundary of the site. Rossendale Close is a modern development comprising houses of a similar design and scale more uniform in layout with modest gaps between houses. Immediately to the north west of the site is further residential development currently under construction. The area generally displays variety in terms of property design, plot size and shape and density.
5. The proposed layout shows an access road leading off Rossendale Close with dwellings arranged either side in a uniform layout with frontages given over to vehicle parking and soft landscaping. The proposed development would be read

as an extension of Rossendale Close when taking into account the layout and access. The proposed linear arrangement would be in keeping with that of properties in Rossendale Close. As a result of the linear layout, set back of properties from the road and the depth and appearance of the frontages the proposed development would successfully integrate into the established pattern of housing along Rossendale Close and would form a continuation of the street scene.

6. Taking the above into account the overall layout, size of the proposed dwellings and individual plots and the spacing between dwellings would not be cramped but would be commensurate with dwellings in the local area, particularly those in Rossendale Close which are similar in scale, with similar frontages and modest gaps between them. As such, I find that the development would complement the character and appearance of the area.
7. Policy SWDP 13 of the South Worcestershire Development Plan (adopted 2016) (SWDP) encourages the effective and efficient use of land. The Policy sets out that a density of 30 dwellings per hectare is appropriate in villages in South Worcestershire. Based on the Council's evidence the proposed density would align with Policy SWDP 13. Housing densities vary in the area and the proposed development would not be read as a noticeably higher density scheme or having a tighter urban grain on the ground when compared to properties in Rossendale Close and the surrounding area. Consequently, the number of dwellings proposed and the layout would sit comfortably within the site and would be in keeping with the character and appearance of the area which includes developments of varying densities.
8. As such, I find that the development accords with Policy SWDP 13 of the SWDP, which seeks, amongst other things that development will make the most effective and sustainable use of land with a density designed to enhance the character and quality of an area. It would also accord with Policy SWDP 21 of the SWDP which requires all development to be of a high design quality, integrated effectively with its surroundings in terms of form and function and reinforces local distinctiveness. It would also comply with Policy NCD1 of the North Claines Neighbourhood Plan (made April 2017) which seeks, amongst other things that proposals should demonstrate they achieve high quality and inclusive design and integrates into the existing area, in terms of landscape, character, design and density.

Other Matters

9. With regard to the potential for a fallback position I note that the extant planning permission¹ is in outline form and requires the agreement of reserved matters before development can start. I have no information before me in relation to the reserved matters and the Council have made reference to a further full planning application. All of which cast some doubt on the certainty that the fallback permission would be implemented. In any event, as I have found the appeal proposal acceptable on its own merits the presence of this fallback is not a determinative matter in this case.
10. I note the representations in relation to the size of the site, the proposed dwellings and individual plots and the comparison between the proposed development and the extant permission. As set out above it was granted in

¹ Council application reference 17/00050/OUT

outline form and the details provided were indicative only rather than definitive. Notwithstanding these comments every development must be considered on its own merits which is what I have done.

11. There is no substantive evidence before me to suggest that the development would not provide a suitable access or manoeuvring space for vehicles including emergency vehicles, or that it would damage the road surface in Rossendale Close, or that it would result in parking issues or harm to highway safety, or that an additional six houses would result in congestion on Rossendale Close or surrounding roads particularly as the Highway Authority raised no objection to the application. Planning conditions would manage the access, parking and turning matters.
12. I note the comments made that access from Perrycroft Close would be more appropriate. This is not before me as part of this appeal and as such I am not in a position to comment on its suitability. Whilst a footpath is not located within the site there is one along Rossendale Close very close to the site boundary and would likely be used by future occupiers. Within the site occupiers would have to travel only a short distance without a footpath, given this short distance and that vehicles are likely to be travelling at low speeds along this section of the road, either pulling into or off their driveways, it is unlikely that users including those in wheelchairs would be unduly inconvenienced by the lack of a footpath.
13. Whilst I note that a section of topsoil has been removed and stones laid down, there is no substantive evidence before me to indicate that this has impacted on any archaeological remains below the surface. In any event, planning conditions would enable such matters to be satisfactorily assessed.
14. Whilst there may well be more bins for collection each week, considering the short length of time bins would be on the street I find they would not result in harm to the appearance of the area or pose a health and safety risk.
15. The comments regarding the relationship between the appellant and the Council during the application process do not concern the planning merits of the proposal and as such have no bearing on the determination of this appeal.

Conditions

16. The Council suggested a total of 14 conditions if this appeal was allowed. I have considered these in relation to the contents of both the National Planning Policy Framework and Planning Practice Guidance. In the interests of precision, clarity and brevity I have undertaken some rationalisation of the conditions suggested by the Council.
17. In addition to the standard three-year time limit condition for implementation; it is necessary to specify the approved plans in the interests of certainty. Conditions relating to floor slab levels, external lighting and obscurely glazed windows have been imposed in order to safeguard the living conditions of nearby occupiers.
18. Conditions requiring at least 10% of the energy supply of the development to be from renewable or low carbon energy sources, and for the development to be carried out in accordance with the submitted Water Management Statement have been imposed in the interests of achieving sustainable development.

19. A condition relating to the access, turning, parking areas for cars and bicycles is relevant in the interests of highway safety. A further condition requiring details of electric vehicle charging points to be approved is necessary in the interests of sustainable travel.
20. A condition requiring the development to be carried out in accordance with recommendations set out in the submitted Ecological Appraisal has been imposed in the interests of environmental sustainability.
21. The Council's Archaeology and Planning Advisor indicates that the proposed development lies within an area identified as a medieval field system and there are records of archaeological interest within the surrounding area. As such as condition for a Written Scheme of Investigation for the identification, treatment and preservation of significant archaeological features within the site is necessary.
22. There are two conditions which require compliance prior to the commencement of development, namely floor slab levels and archaeology. I am satisfied that both of these are necessary. The procedure set out in Regulation 2(1)(b) of the Town and Country Planning (Pre-commencement Conditions) Regulations 2018 has been followed and the appellant has provided written acceptance of both of these pre-commencement conditions.

Conclusion

23. For the reasons set out above the appeal is allowed.

B Thandi

INSPECTOR

Schedule of 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: Proposed Block Plan Scale 1:500; Block Plan Scale 1:200; Location Plan; Proposed House Type A Floorplan and Elevation Plan; Proposed House Type B Floorplan and Elevation Plan; Proposed House Type C Floorplan and Elevation Plan; Proposed House Type A & C Side Elevations Plan and Proposed House Type B Side Elevations Plan.
- 3) The upper floor windows in the north and south elevations shown on Proposed House Type A & C Side Elevations Plan and Proposed House Type B Side Elevations Plan shall be fitted with obscure glazing (minimum of Level 4) prior to occupation of the dwellings and shall then be retained thereafter for the lifetime of the development.
- 4) No development shall take place until full details of the floor slab levels, above ordnance datum, of the ground floors of the proposed buildings, in relation to existing ground levels have been submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved levels.
- 5) The development hereby permitted shall not be occupied until the sustainable drainage system for the site shall have been completed in accordance with the submitted Water Management Statement. The sustainable drainage system shall be managed and maintained thereafter in accordance with the agreed management and maintenance plan.
- 6) The development hereby permitted shall not be occupied until a scheme to secure at least 10% of the energy supply of the development from renewable or low carbon energy sources in accordance with the Energy Statement compiled by Richard Britton and submitted 4 February 2019 has been implemented. The measure shall be thereafter retained in operation for the life time of the development.
- 7) Details of any external lighting shall be submitted to and approved in writing by the local planning authority before the buildings are occupied. Development shall be carried out in accordance with the approved details.
- 8) The development hereby permitted shall be carried out in accordance with the recommendations set out in the Ecological Appraisal by Clarke Webb Ecological Ltd.
- 9) The development hereby permitted shall not be first occupied until details of the access, parking and turning area have been submitted to and approved in writing by the local planning authority. Development shall then be carried out in accordance with the approved details, prior to the first occupation of the dwellings hereby permitted. The approved parking areas shall then be retained thereafter for the life of the development.
- 10) The development shall not be occupied until details of electric vehicle charging points have been submitted to and approved in writing by the local planning authority. The electric vehicle charging points shall be implemented as per the approved details and shall thereafter be retained.

- 11) No dwelling shall be occupied until space has been laid out within the site in accordance with details set out in the Design and Access Statement for bicycles to be parked and the spaces shall thereafter be kept available for the parking of bicycles for the life of the development.
- 12) No development including site clearance shall take place until a Written Scheme of Investigation shall have been submitted to and approved in writing by the local planning authority. The scheme shall include an assessment of significance and research questions - and the programme and methodology of site investigation and recording; the programme for post investigation assessment; the provision to be made for analysis of the site investigation and recording; the provision to be made for publication and dissemination of the analysis and records of the site investigation; the provision to be made for archive deposition of the analysis and records of the site investigation; the nomination of a competent person or persons/organization to undertake the works set out within the Written Scheme of Investigation. No development shall take place other than in accordance with the Written Scheme of Investigation approved under the condition above.