
Appeal Decision

Site visit made on 7 July 2020

by S Shapland BSc (Hons) MSc CMILT MCIHT

an Inspector appointed by the Secretary of State

Decision date: 27 July 2020

Appeal Ref: APP/J1860/W/20/3244432

3 Cedar Cottage, Main Road, Hallow, Worcester WR2 6PW

- 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 Gavin Warr (11:11 Property) against the decision of Malvern Hills District Council.
 - The application Ref 19/01240/FUL, dated 11 February 2019, was refused by notice dated 24 October 2019.
 - The development proposed is the construction of a 3 bedroom dwelling.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are the effect of the proposal on:
 - The character and appearance of the area including the Hallow Conservation Area; and
 - Highway safety

Reasons

Character and appearance

3. The appeal site forms part of the domestic curtilage of No.3 Cedar Cottage within the village of Hallow. The appeal site overlooks the village green, and is situated within the Hallow Conservation Area. Cedar Cottages form 3 pairs of semi-detached Victorian brick built cottages with a uniform architectural style. No.3 forms one half of a pair of semi-detached cottages, and it was apparent during my site visit that it has had several more modern alterations. This includes a two storey extension to the neighbouring property. The form of the pairs of dwellings on either side of the appeal site appear to have remained largely unaltered, and includes porches to the centre of the front elevation, and windows which are largely spaced. There are also chimney stacks at either end of the dwellings.
4. The site is located within the Hallow Conservation Area (CA). The Hallow Conservation Appraisal and Management Strategy (CAMS) submitted by the Council describes the significance of the CA. The overall character of the village of Hallow is that of a semi-rural village, which includes a varied mix of buildings centred on a traditional village green. The historic core of the built environment of the CA is described as being centred on The Green, situated at the heart of

the CA. It is surrounded by properties on all sides, which dates back from the 17th, 18th and 19th centuries. There is a marked difference in building style and materials, with properties on the eastern side of the green incorporating a variety of architectural features which were fashionable during their construction. The western side of The Green, in which the appeal site lies is markedly different. Cedar Cottages are all Victorian brick built cottages, with a uniform architectural style. They occupy spacious plots, with a wide gap between them. The CAMS states that the spaces between the buildings has ensured that a feeling of open space has been retained.

5. The appeal proposal is for the construction of a new 3 bedroom dwelling in the gap between No.2 and No.3 Cedar Cottage. It would access the highway through a shared access with No.3, with the parking for both the new dwelling and existing being situated at the rear. Currently there is a very strong rhythm of development in this location, with the three pairs of cottages benefiting from large spacious gaps between them. Whilst I appreciate that No.4 has been extended which has reduced the gap between No.4 and No.5, from the street it was evident that there is still a considerable gap between the two pairs of semi-detached dwellings. The introduction of a new detached dwelling in this gap would substantially reduce the open space between the pairs of dwellings, and would interrupt the existing rhythm of development.
6. The appellant has submitted a CGI image of how the proposed dwelling would look within the street scene. It has been put to me that this demonstrates that the appeal proposal would be in keeping with the surrounding development. I do not find this to be the case. This submitted image does not include the right hand pair of semi-detached dwellings. When the three pairs are taken as a whole, the new dwelling would clearly be reducing the gap between the existing cottages. I find this would mean the proposed dwelling would appear as an incongruous addition to the street scene, and is not in keeping with the character and appearance of the area.
7. The proposed dwelling would be of a relatively simple design, which would include dormer windows within the eaves. Whilst dormer windows are evident in the surrounding area, it is not a feature which is prevalent on Nos.1-6 Cedar Cottage. Furthermore, a key feature of the existing Cedar Cottages are fenestrations which are widely spaced on the front elevation, which is a feature not replicated with the appeal proposal. I appreciate that No.4 has been altered with its two storey side extension, however when the three pairs of cottages are taken as a whole there is still a consistency in design features which the appeal proposal would be at odds with. Consequently, I find that the design of the property would be at odds with the existing neighbouring properties, and would harm the character and appearance of the area.
8. Section 72 (1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the Act) requires me to pay special attention to the desirability of preserving or enhancing the character and appearance of CAs. Paragraph 193 of the National Planning Policy Framework (the Framework) states that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. Annex 2: Glossary of the Framework confirms that CAs are included within the definition of a designated heritage asset.

9. The introduction of a new dwelling in this gap between the existing pairs of cottages would interrupt the existing rhythm of development in this part of the CA. The open space between the dwellings forms an important part of the significance of this CA. Furthermore, the design of the proposed dwelling with its dormer windows and spacings of fenestrations would not be in keeping with the fenestrations of the existing Cedar Cottages, and would make the proposal appear as an incongruous addition to the street scene. As such, I find that the proposal neither conserves nor enhances the character or appearance of the CA. It is considered that given the scale of the development this will cause less than substantial harm to a designated heritage asset.
10. Paragraph 196 of the Framework states that where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal. The appellant contends that the proposal would provide economic benefits during the construction of the dwelling, albeit this would be a temporary benefit. New occupiers are likely to provide additional economic benefit by supporting existing local facilities. The proposal would provide social benefits through the provision of a new dwelling, however a single dwelling would not provide a significant boost to housing stock in this location. Therefore, this only attracts limited weight in favour of the appeal proposal. It has been put to me that the proposal would enhance the surrounding built and natural environment, which can lead to improvements in biodiversity habitat. However, I have found the proposal would harm the built environment, and I have been presented with no cogent evidence that the proposal would positively enhance biodiversity. This limits the weight I can give this assertion. Consequently, these benefits do not outweigh the harm I have identified above to the character and appearance of the CA.
11. The appellant has drawn my attention to two planning applications within 100 metres of the appeal site which have been granted consent for dwellings. It has been put to me that these two sites indicate that the character and appearance of the CA has changed since the CAMS was published. However, I do not find that these two sites are directly comparable to the appeal site. The first site at land adjacent to Lea House was allowed at appeal¹, where the Inspector concluded there would be no harm to the CA. This site is located to the north of the appeal site, and the character of the CA in this location is different to that of the appeal site. It is apparent that buildings are much closer together, and do not benefit from the large open spaces and regular rhythm of the appeal site.
12. The second site referred to is land adjacent to Maryland². I have not been provided with the full details of that application so cannot be certain that the circumstances which led to its approval are the same as the appeal site. In any event, this site is located to the south east of the appeal site, and again the character of the dwellings on this part of the CA differ substantially to the appeal site. I cannot conclude that the character and appearance of the CA has changed significantly from the granting of these consents. The key significance identified within the CAMS for the part of the CA the appeal site lies in appears largely unaltered since the publication of the CAMS. Consequently, I do not find that these two cases are directly comparable to the appeal site. In any event,

¹ APP/J1860/A/14/2223483

² Council Reference 17/00881/FUL

each application and appeal must be considered on its own planning merits, which is what I have done in this case.

13. Consequently, I find that the proposal harms the character and appearance of the area, and fails to conserve or enhance the character or appearance of the CA. As such, it is contrary to policy SWDP21 of the South Worcestershire Development Plan 2016 (DP). This policy seeks, amongst other things, that development is of a high quality design which integrates effectively with its surroundings, and enhances heritage assets. It is also contrary to policies SWDP6 and SWDP24 of the DP, together these seek, amongst other things, that development conserves and enhances heritage assets. I identify conflict with paragraphs 124 and 127 of the Framework, which seeks, amongst other things, that development is of a high quality design which adds to the overall quality of an area. The proposal also conflicts with paragraphs 192, 193 and 196 of the Framework, which seeks, amongst other things that development enhances the significance of heritage assets.

Highway safety

14. The Council have raised concerns that the proposals would result in the intensification of use of a sub-standard access. Speed surveys have been completed on the main road which have demonstrated a requirement of a visibility splay of 51 metres to the south, and 48 metres to the north. Drawing reference 369-2B-03 demonstrates that this can be achieved, when measured from a 2 metre setback from the edge of the highway. In ordinary circumstances, a setback of 2.4 metres is required when considering visibility splays from accesses. The Council contends that a 2 metre setback in this instance is not appropriate, and therefore the proposal is unable to meet the required visibility splays.
15. I recognise that in most situations a 2.4 metres setback is appropriate, and with a shorter distance there is a risk that any vehicles leaving the appeal site would slightly overhang into the carriageway. However, from my site visit it was apparent that there are a number of existing direct accesses onto the highway in this location, and vehicles, cyclists and pedestrians would be aware of the possibility of vehicles exiting onto the highway. There is good forward visibility along the main road which means any vehicles approaching the site would have a good view of any cars exiting the site.
16. In addition, there is an existing access in this location which serves a single dwelling. An additional dwelling in this location would not generate a significant amount of new traffic. Consequently, I am satisfied that whilst the access cannot achieve the requisite visibility splays, in this instance it is unlikely to cause harm to highway safety. Accordingly, there is no conflict with policies SWDP4 and SWDP21. Together these seek, amongst other things, that new development is able to access the highway safely. I find no conflict with paragraphs 108 and 110 of the Framework, which seeks amongst other things, that safe and suitable access to development sites can be achieved.

Other matters

17. I note that an interested party has raised concerns that the proposal would harm their living conditions by blocking their natural light. As I dismissing this appeal on other substantive matters it is not necessary for me to consider this further. I note concerns have been raised in respect of the impact of the

proposal on neighbouring house value. It is a well-founded principle that the planning system does not exist to protect private interests such as value of land or property. Thus, this has not formed part of my consideration of this appeal.

Conclusions

18. For the reasons given above I conclude that the appeal should be dismissed.

S Shapland

INSPECTOR