



Appeal Decision

Site visit made on 20 January 2020

by S Thomas BSc (hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 17 August 2020

Appeal Ref: APP/D1835/W/19/3238698

Land adjacent 4 Brunswick Close, Worcester WR2 4DU

- 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 & Mrs M Bates against the decision of Worcester City Council.
 - The application Ref 19/00030/FUL, dated 1 February 2019, was refused by notice dated 4 April 2019.
 - The development proposed is erection of 1 no dwelling.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. The appellants' included an amended plan (dated 12 April 2019) as part of the appeal. This plan did not form part of the original plans submitted with the planning application, and therefore has not been assessed by the local planning authority nor subject to consultation. To ensure no party is unfairly prejudiced and for the avoidance of doubt, I have not taken this plan into account in my decision.
3. The Council's reasons for refusal refer to the impact of the proposal on the living conditions of neighbouring residents, however, on the basis of the evidence before me this does not appear to be in dispute between the parties. Accordingly, I consider the main issues in this case to be as set out below.

Main Issues

4. The main issues are (i) the effect of the proposed development on the character and appearance of the area; (ii) whether the proposal would provide acceptable living conditions for future occupiers with regard to the provision of amenity space; and (iii) the effect of the proposed development on highway and pedestrian safety with particular regard to access and parking.

Reasons

5. The appeal site is a triangular shaped plot which forms part of the rear garden area of the appeal property. The site fronts onto a rear access road behind existing properties, which contains a number of garages and rear parking areas serving these properties. The general character of the surrounding residential area is of an attractive planned residential estate, comprising detached properties with large gardens fronting the street scene.

6. The South Worcestershire Design Guide Supplementary Planning Document (2018) (SPD) states that new development must relate well functionally and visually to the site and its setting, and new development must demonstrate a full appreciation of the local area in nurturing local distinctiveness. This includes identifying and responding to urban form that is characteristic of the area. The SPD further states that smaller infill schemes provide the opportunity to add to the character and quality of an area.
7. The rear access road is bound along the route by boundary fencing and set back garages. Therefore, given the lack of dwellings providing frontages to it, I consider it fails to create an attractive and welcoming environment, with its character contrasting significantly with the pleasant setting of the adjacent streets. The proposed dwelling would be located on an uncharacteristic shaped triangular plot, largely hidden away at the end of this road. Given the siting and orientation of the proposed dwelling it effectively turns its back on the street scene and would have a poor relationship with the existing built form.
8. When viewed from the rear access road and the rear of the existing properties, the proposal would appear as a contrived and fragmented form of development out of place with the established settlement pattern. The lack of other dwellings fronting the lane would heighten the intrusive nature of the proposal. Given its lack of relationship with the street scene and any active frontages, I consider it would fail to create an attractive place to live and would not integrate successfully with the existing pattern of development. It would thus fail to complement the character of the area.
9. For the reasons above, I conclude that the proposal would result in harm to the character and appearance of the area and would be in conflict with Policy SWDP21 of the South Worcestershire Development Plan (2016) (SWDP). Amongst other things, this Policy requires development to integrate effectively with its surroundings, complement the character of the area and siting and layout should reflect the given characteristics of a site.

Living Conditions of future occupiers

10. The SPD states that new build dwellings must have access to at least one area of useable amenity space which amongst other matters should not be overshadowed. The amenity space by virtue of the nature of the plot is an odd triangular shape but it meets the required quantitative standards of provision. However, given the nature of the plot, the amenity space is likely to result in overshadowing.
11. The small area of amenity space to the side of the dwelling is likely to be very overshadowed given the existing dwelling and the dense tree cover bordering the boundary with the neighbouring property (No 6 Brunswick Close). Furthermore, given the proximity of the existing dwelling it is likely the amenity area to the north of the proposed dwelling would also be largely overshadowed, restricting daylight to it. Given the above, this would restrict its usability and therefore I do not consider the amenity space to be acceptable.
12. For these reasons, I conclude the proposal would not provide acceptable living conditions for future occupiers in respect of amenity space. It would therefore conflict with Policy SWDP21 of the SWDP which seeks amongst other things that development should provide adequate levels of sunlight and daylight.

Highway Safety

13. Paragraph 108 of the National Planning Policy Framework (the Framework) states that a safe and suitable access to the site should be achieved for all users. Paragraph 109 of the Framework states that development should give priority to pedestrian and cycle movements and create places that are safe, secure and attractive which minimise the scope for conflict between pedestrians, cyclists and vehicles.
14. The rear access road serves a number of existing dwellings. From the available evidence and my observations on site, it is clear that it is well used by residents and other users of the highway for parking. Whilst the road has a narrow-raised kerb to each side, this does not amount to a suitable footpath for future occupiers. Therefore, future occupiers and in particular any vulnerable users would have to walk in the road with increasing potential for conflict with vehicles. I do not consider this would promote a safe and suitable access to the site for pedestrian users.
15. The proposed car parking spaces would be located close to the boundary with the existing dwelling. Given the narrow width of the access road and the angle of the parking spaces, I do not consider there will be sufficient manoeuvrability nor adequate visibility of the road and users of it for drivers leaving the spaces. Furthermore, I note the existence of on street parking along this road which would provide further constraints when attempting to enter and leave a space, given the restricted manoeuvrability drivers would be presented with. Consequently, I consider this would result in unsafe manoeuvres of detriment to highway and pedestrian safety.
16. For the reasons above, the proposal would result in an unacceptable impact on highway and pedestrian safety and therefore would conflict with Policy SWDP 21 of the SWDP. Amongst other things, this policy seeks to ensure development maximises opportunities for pedestrian and cycle linkages to the surrounding area and vehicular traffic from the development should be able to access the highway safely. The proposal would also be contrary to the transport objectives in Paragraphs 108, 109 and 110 of the Framework.

Conclusion

17. For the reasons above, the appeal is dismissed.

S Thomas

INSPECTOR