



Appeal Decision

Site visit made on 4 August 2020

by L Page BSc (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 9 September 2020

Appeal Ref: APP/H1840/W/20/3249316

7 Perrycroft Close, Fernhill Heath, Worcester WR3 7UF

- 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 of Premier Building Ventures against the decision of Wychavon District Council.
 - The application Ref 19/01964/FUL, dated 24 September 2019, was refused by notice dated 4 November 2019.
 - The development proposed is the construction of new bungalow.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. The description of development in the banner heading has been taken from the appeal forms and the decision notice, which more accurately describe the proposal and omit unnecessary detail. I have dealt with the appeal on this basis.
3. The Council's appeal statement has clarified a clerical error in its first reason for refusal and that South Worcestershire Design Guide Supplementary Planning Document - Overarching Design Principles 2018 should have been referenced instead. The appellant will have had the opportunity to comment on this clarification in their final comments. I have proceeded to consider any evidence on this matter accordingly.

Main Issues

4. The main issues are the effect of the proposed development on the:
 - (a) character and appearance of the area;
 - (b) access and highway safety; and
 - (c) whether there is sufficient energy generation from renewable or low carbon sources.

Reasons

Character and Appearance

5. The site comprises a linear parcel of land on the same plot and to the side of an existing two storey dwelling at 7 Perrycroft Close. The plot is not overly large and is proportionate to the size of the existing dwelling, which comprises a wide frontage.

6. The plot to dwelling ratio appears similar to that of its neighbours which comprise one and a half storey dormer bungalows and two storey dwellings that also enjoy wide frontages. Generally speaking, the existing dwellings nearby are similarly sized and sit comfortably within proportionately sized plots with driveways at their frontage. At the time of my site visit there was new development being constructed to the rear of the site.
7. The proposal would introduce a new bungalow at the site that compartmentalises the plot of the existing dwelling. Because the plot is proportionate to the existing dwelling, it is not overly large and there is insufficient space to comfortably accommodate an additional dwelling. Consequently, it would be difficult to maintain the plot to dwelling ratios that are clearly apparent in the area. This is despite the new bungalow being substantially smaller in scale than neighbouring development.
8. The appellant contends that the bungalows directly adjacent to the site have narrow frontages, similar to the proposal. Their frontages may be somewhat tapered (given they front the end of the cul-de-sac) compared to other dwellings set perpendicular to the street, however, to my eye the level of taper is limited and far less substantial than that associated with the proposal, which would appear cramped. No precise measurement or evidence has been provided to the contrary or to change my view in this respect.
9. Consequently, the proposal would be required to take on an overly linear form, with a noticeably tapered shape and narrow frontage compared to neighbouring dwellings. Furthermore, due to the tapering and narrowness at the frontage, the new bungalow would be required to sit towards the back of the site (where it is slightly wider) and risk becoming detached from the street scene. Due to the linear nature of the site, it would also sit uncomfortably close to the existing dwelling on the plot, without sufficient breathing space around it, and altogether this would create an overly cramped appearance.
10. Insofar as it relates to appearance, the tandem parking spaces to the front of the proposal would remain in keeping with the area. This is based on the fact that other dwellings nearby also have driveways at their frontage that facilitate tandem parking. However, the acceptable appearance of the parking arrangement does not mitigate the other effects identified.
11. It is contended that the site was previously meant to form an access to land that was going to be developed at the rear of the site, and that the Council's approval of such a configuration is precedent for the proposal in this case. However, the use of the site as an access drive (which preserves openness through lack of built form) and the proposal in this case (which erodes openness by introducing built form) have opposite effects and the contention cannot be taken as justification of precedent in support of the appeal. This is even with the recently constructed fence line or boundary wall, which are of substantially smaller scale and not comparable to the construction of a new building under the proposal. As for views along the access towards the development at the rear, any views of dwellings therein would be relatively long distance. Consequently, such dwellings would only comprise background elements and be sufficiently detached from the immediate street scene along Perrycroft Close to avoid disrupting the immediate pattern of development.

12. The six dwellings being developed to the rear of the site, may be smaller in scale than others in the vicinity, but on the basis of the plans submitted by the appellant, they appear to form their own critical mass of development. Consequently, they are able to establish a standalone pattern of development that can be appreciated in its own right, whilst forming a coherent component of the wider pattern of development that avoids appearing piecemeal. This is not comparable with the proposal, which is a single dwelling that is isolated and disrupts the established pattern of development in a piecemeal fashion. Reference is also made to a substantially larger development nearby. Such a large development is capable of achieving its own sense of place through comprehensive design and therefore creates its own standalone pattern of development and for similar reasons already explained, is not comparable with the proposal.
13. The appellant has submitted a lawful development certificate evidencing that the Council approved a domestic outbuilding for ancillary use to the existing dwelling at 7 Perrycroft Close. The scale of this building appears to be smaller than the bungalow put forward under the proposal, which points to the fact that they serve different purposes (one is ancillary and the other is a new planning unit). Referring to the street scene comparison drawing (which was not listed as an approved plan under the lawful development certificate), the outbuilding appears moderately smaller than the new bungalow. Whereas, referring to the site plan and elevation drawing (which is listed as an approved plan under the lawful development certificate and therefore carries more weight) looks substantially smaller. Consequently, it is my view that it is not comparable to the proposal in terms of scale or use and does not represent a fallback position.
14. The appellant has carried out a detailed assessment relating to each criterion within the South Worcestershire Design Guide Supplementary Planning Document - Overarching Design Principles 2018 and Policy NCD1. Although some of these are relevant, much of this assessment does not relate specifically to the Council's contested issues of character and appearance. The proposal may otherwise conform with some the criterion therein, but this does not change my conclusions that overall, the proposal would deliver a cramped layout that harms the character and appearance of the area.
15. Consequently, the proposal would be in conflict with Policy NCD1 of the North Claines Neighbourhood Plan 2017 (NCNP), Policy SWDP21 of the South Worcestershire Development Plan 2016 (SWDP), South Worcestershire Design Guide Supplementary Planning Document - Overarching Design Principles 2018 and Paragraphs 7, 127 and 130 of the National Planning Policy Framework (the Framework). Among other things, these seek to ensure development proposals complement the character of the area.

Access and Highway Safety

16. The two parking spaces at the front of the proposal would be accessed directly from Perrycroft Close across the pavement. The quantum and dimensions of the parking spaces appear appropriate and are not contested by the Council under the appeal. However, the Council raises concerns about whether two metre by two metre pedestrian visibility splays can be provided.

17. On reviewing Worcestershire Local Transport Plan 3 Highways Design Guide 2016 it appears that such requirements are only applied in the context of shared private drives and courtyards, where movements would be greater than in this case, and would therefore not be applicable. In any event, this is a low speed residential cul-de-sac with existing driveways, and it should be self-evident to both vehicle users and pedestrians that particular care should be taken and hazard awareness engaged. Consequently, I am satisfied that there would be limited risk of conflict between users.
18. The Council also raises concerns about the practicalities of parking spaces arranged in tandem, and presumably whether they would be fully utilised. I can appreciate that there is potential inconvenience associated with parking cars in tandem, where one car user can be blocking another car user at any one time, and how this might lead to additional on street parking. However, the bungalows adjacent appear to have driveways that accommodate tandem parking, as do others further down the street. I did not witness any particular problems with on street parking during my site visit nor has any evidence to this effect been presented. Consequently, it appears tandem car parking is appropriate in this area.
19. Overall, the proposal would not have a harmful effect on access and highway safety and would be in accordance with Policy 21 of the SWDP, Worcestershire County Council Streetscape Design Guide 2018, South Worcestershire Design Guide SPD 2018 and Section 9 of the Framework. Among other things, these seek to ensure that vehicular traffic from development should be able to access the highway safely.

Energy Generation

20. In accordance with Policy SWDP27 of the SWDP, new housing should incorporate the generation of energy from renewable or low carbon sources equivalent to at least 10% of predicted energy requirements, unless it has been demonstrated that this would make the development unviable. I note the Council's contention that the evidence submitted by the appellant does not provide predicted energy requirements and is therefore lacking a baseline to draw its conclusions.
21. However, there is no evidence to suggest that the proposal would be incapable of meeting such requirements in the event they were investigated and set out properly. This is in essence what the Council has implied by acknowledging such requirements could be secured by planning condition. On this basis, I find the proposal could be rendered acceptable by way of planning condition and therefore remain in accordance with Policy SWDP27 of the SWDP, which among other things seeks to reduce carbon emissions and secure sustainable energy solutions.

Other Matters

22. Reference is made to elderly residents, the suitability of the location therein, and the need for smaller properties in the locality generally. However, there is no spatial or quantitative evidence provided that sets out the specific locational need and how this should be considered or weighed against the identified harms under the appeal.

23. The proposal is of limited scale and would only make a limited contribution to footfall at local facilities. Similarly, construction activity, local job generation or any other economic stimulus (including housing land supply) would also be limited. It is argued that the site is an efficient use of land, but this does not otherwise excuse the cramped appearance. Altogether, these other matters do not change the assessment of the main issues.

Conclusion

24. The appellant has demonstrated that the proposal is acceptable in terms of its effect on access and highway safety and I have found that requirements around energy generation could be secured by a planning condition. However, the harmful effects on the character and appearance of the area would remain and for the reasons given, the appeal is dismissed.

Liam Page

INSPECTOR