
Appeal Decision

Site visit made on 24 August 2020

by B Davies MSc FGS CGeol

an Inspector appointed by the Secretary of State

Decision date: 17 September 2020

Appeal Ref: APP/D1835/W/20/3254185

83 Bromyard Road, St Johns, Worcester, WR2 5BZ

- 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 P M Brooks (Premier Building Ventures) against the decision of Worcester City Council.
 - The application Ref 19/00742/FUL, dated 10 September 2019, was refused by notice dated 18 May 2020.
 - The development proposed is alterations and extension to create 3 new one bed flats.
-

Decision

1. The appeal is dismissed.

Main issues

2. The main issues are the effects of the proposal on:
 - The living conditions of the occupants of the rear ground floor unit and No 81, with particular regard to loss of privacy and outlook.
 - The living conditions of future occupants with particular regard to privacy, outlook and outdoor amenity space.
 - The character and appearance of the area with regard to design, car parking, refuse and cycle storage.

Reasons

3. The appeal site comprises a large, extended Victorian villa that contains at least 7 flats. The rear of the main building, a 2-storey extension and an attached 'bungalow apartment', overlook a shared yard. Beyond these buildings is a large parking area and a block of 6 garages, which are accessed by a driveway along the side of the house.

Living conditions of existing residents

4. The yard is divided by a high wooden fence and on the side of the bungalow apartment comprises a driveway, which is also used as the main access to the property. The bungalow's entrance door, kitchen window and a bedroom window face the yard and enjoy a reasonable degree of privacy.
5. The proposal would remove the kitchen window and use the parking space as an entrance way to the new flats. This would result in 4 households walking in

proximity to the bedroom window, and a significant reduction in privacy for the occupants. The rear window in the bedroom opens on to a side passage for access to another apartment, and the proposal would therefore result in the complete loss of privacy in this bedroom. A further two properties can be accessed from the yard currently, but these are further away and screened by a fence, and I therefore do not consider it an equivalent situation.

6. It is proposed that the private garden attached to the bungalow is opened up and shared between all of the occupants on the site. Drawing PBV5 suggests that the back windows of the bungalow, including French doors, would open on to this shared area, resulting in the occupants having no remaining private windows. There is nothing before me to suggest that the rear windows of the bungalow apartment would be screened, and it is not clear that there would be a practical solution to this, given the constraints on space.
7. A small window would be added to the flank wall of the proposed building serving a kitchen diner. There is one window in the opposing wall of No 81, which is already faced directly by a window in the host building. In this regard I do not consider the proposal significantly different to the existing situation. Two windows would be inserted into the first floor of the extension, serving a kitchen and a bedroom, which would overlook the garage and yard of No 81 and which I consider would result in some loss of privacy. However, the appellant has drawn my attention to the large, private garden area behind the garage, and in the absence of anything before me to the contrary, I am satisfied that any loss of privacy from the flank windows is offset by the large remaining private outdoor area.
8. There would be a reduction in privacy to a harmful degree for the occupants of the bungalow apartment, in conflict with Policy SWDP21 of the South Worcestershire Development Plan (adopted 2016)(SWDP), which requires that development provides an adequate level of privacy for neighbours.

Living conditions of future occupants

9. The main living room window of the proposed western ground floor flat would face the wall of the bungalow at a distance of 3 m, which would not result in a high standard of outlook. In addition, it would be walked directly past by the occupants of all the other new flats and the bungalow apartment, which would result in a lack of privacy in the primary living area.
10. The side passage for access to another apartment would pass next to the only bedroom and lounge windows for the other proposed ground floor flat, which would lead to a lack of privacy in the main living areas. In addition, they would face a brick boundary wall approximately 1.6 m distant, creating a lack of outlook which would feel oppressive. I note that this is the same relationship with the boundary wall as the unit to be replaced, but in the existing situation there are also windows on the opposite side, which open up the overall outlook from these rooms, which would be lost.
11. The South Worcestershire Design Guide Supplementary Planning Document SPD (adopted 2018) supplements policies SWDP2 and SWDP21 of the SWDP and as such is a material consideration. Section 5I of the SPD recommends that all development provides some form of private outdoor amenity space and it is proposed that the existing garden of the bungalow apartment is shared between all of the occupants. However, this would be directly overlooked by

the occupants of the bungalow apartment, which is contrary to the advice in the SPD.

12. The proposal would not provide a high living standard for future occupants of the 2 ground floor flats with regard to privacy and outlook, nor provision of suitable private amenity space for the new dwellings. This would be in conflict with Policy SWDP21 which requires that development provides an adequate level of privacy and outlook, and the recommendations of the SPD regarding private outdoor amenity space.

Character and appearance

13. Two roof options have been proposed. However, as I am dismissing the appeal on other grounds it is not necessary, or indeed appropriate, for me to weigh up their relative merits and indicate a preference.
14. Notwithstanding this, although the scale of both designs is extensive, given that the host building is large, I do not consider the proposals harmfully out of proportion. The development would be to the rear in an intensely developed urban area, and on this basis, I do not consider that there would be harm to the wider character and appearance of the area. However, for the reasons above, I am not drawing a conclusion regarding the effect of the design on the character and appearance of the host house.
15. There are limited details provided with the proposal regarding finishing materials, refuse storage and bicycle parking. However, I consider that these are all issues that could have been dealt with by condition had the appeal been allowed, given the apparent scope of the outdoor space available for storage.
16. While I do not find that the size of the development would have a detrimental effect on the character and appearance of the area, for the reasons above I have not been able to draw a conclusion regarding the effect of the design on the character and appearance of the host house and area.

Benefits

17. The proposal would create 3 new flats in a location with good access to local facilities and transport links. This would only be one extra bed space, but I accept that if there is a demand for smaller accommodation, there would be benefit in increasing the number of units, although this is limited by the small scale of the development. However, these benefits would not be sufficient to overcome the harm identified above.

Conclusions

18. For these reasons, and having had regard to all other matters raised, the appeal is dismissed.

B Davies

INSPECTOR