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## Appeal Decisions

Site visit made on 18 August 2020

**by M Shrigley BSc (Hons) MPlan MRTPI**

**an Inspector appointed by the Secretary of State**

**Decision date: 25<sup>th</sup> September 2020**

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**Appeal Ref: APP/H1840/W/20/3252916**

**3 Cherry Orchard Road, Lower Moor WR10 2PN**

- 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 Merry Brook Developments Ltd against the decision of Wychavon District Council.
  - The application Ref 19/02716/FUL, dated 11 December 2019, was refused by notice dated 29 April 2020.
  - The development proposed is erection of a dwelling and additional vehicle access.
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### Decision

1. The appeal is allowed and planning permission is granted for the erection of a dwelling and additional vehicle access at 3 Cherry Orchard Road, Lower Moor WR10 2PN in accordance with the terms of the application, 19/02716/FUL, dated 11 December 2019, subject to the conditions set out in the schedule at the end of this decision.

### Main Issue

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

### Reasons

3. The appeal site is part of the garden to the side of No 3 Cherry Orchard, set within a row of semi-detached and detached properties near the edge of a rural settlement. On one side of the site are smooth rendered semi's, similar in appearance. On the other side, leading into the centre of the settlement house design becomes more varied. There is a large public recreation ground directly opposite contributing significantly to the area's open verdant qualities.
4. The proposed dwelling would reduce the separation space apparent between residential properties along Cherry Orchard Road. The Council specifically objects to the reduction in spaciousness involved as being at odds with, and subsequently harmful to, the established character of the row and local area where properties become sparser towards the edge of the settlement.
5. At my site visit I could see that the area around the appeal site does have attractive spacious characteristics. However, this is largely because of the openness of the recreation ground. Gaps between existing dwellings in the row are varied in size and the dimensions of the proposed dwelling would assimilate well with other neighbouring properties in the road.

6. Whilst there would be some reduction in spacing evident between properties, the new dwelling would have a moderate frontage width and would still retain an appropriate amount of spacing either side of it. The position of the additional dwelling proposed would not appear out of place in that context. I disagree that the subsequent reduction in spacing between dwellings within the row itself would be detrimental to local character.
7. Moreover, the Council acknowledges that the design of the proposal takes appropriate visual cues from other properties in the vicinity and does not object to the scale or appearance of the proposed dwelling if it were viewed in isolation. I find that the development is thoughtfully designed and would complement the area's attractive components without damaging local distinctiveness.
8. I have considered scope to use Permitted Development rights to build a garage on the site as referred to by parties, but this would most probably involve a structure which is either smaller in mass or less noticeable within the street-scene because it would be single storey. Therefore, a more limited effect on local spaciousness would be apparent compared to the appeal proposal. Nonetheless I do not find there to be any material harm arising from the appeal proposal.
9. I therefore conclude that the development would not harm the character and appearance of the area. It accords with the South Worcestershire Design Guide Supplementary Planning Document (March 2018) which encourages the protection of local distinctiveness, Policy SWDP 21 of the South Worcestershire Development Plan which encourages high design quality and paragraphs 124, 127 and 130 of the National Planning Policy which support good design and that development is visually attractive taking into account local design standards.

### **Conditions**

10. I have considered the Council's suggested planning conditions against the relevant tests within Planning Practice Guidance<sup>1</sup>. Conditions setting out a standard time limit and reference to the plans subject to approval are necessary. A condition requiring limits on construction hours and deliveries is appropriate to protect neighbouring living conditions. A condition requiring water management details to be implemented is necessary to secure adequate drainage provision. A condition requiring external facing material approval is appropriate to ensure the appearance of the development is high quality however I have modified this requirement to allow development to take place up to slab level as the Council's suggested wording is unduly restrictive.
11. A suite of conditions requiring access; visibility; parking; turning; and cycling facilities provision are all necessary to protect highway safety and to encourage sustainable modes of travel. However, I disagree the visibility splay serving No 3 Cherry Orchard Road must be implemented before any other development can occur. Therefore, I have amended the condition wording to enable some works up to slab level. As such works can occur without significant detriment to highway safety. I have also made it clear the visibility splay required relates to the new access.

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<sup>1</sup> Paragraph: 003 Reference ID: 21a-003-20190723

12. A condition securing appropriate landscaping provision is necessary to ensure the character and appearance of the area is maintained. In the absence of adequate plan details I have amended the Council's suggested wording to ensure satisfactory details can be obtained, and then retained. I also attach conditions relating to vehicle charging point provision and renewable/low carbon energy measures in the interests of mitigating the effects of climate change and securing environmental betterment.
13. I find that a construction management condition is not necessary given the minor scale of the development subject to consent; the space available to the side of the property for material storage; and because the highway allowing access is not heavily trafficked or close to a junction where this would be warranted.

### **Conclusion**

14. For the reasons given above I allow the appeal.

*M Shrigley*

INSPECTOR

### **Schedule of conditions**

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
2. Unless where required or allowed by other conditions attached to this permission/consent, the development hereby approved shall be carried out in accordance with the information including details on the proposed materials) provided on the application form and the following plans/drawings/documents by Zebra Architects: PL001 Location Plan (November 2019); PL003 rev. B Proposed Block Plan (November 2019); PL101 rev. B Proposed Floor Plans and Elevations (November 2019).
3. Demolition, clearance or construction work and deliveries to and from the site in connection with the development hereby approved shall only take place between the hours of 08.00 and 18.00hrs Monday to Friday and 08.00 and 13.00hrs on a Saturday. There shall be no demolition, clearance or construction work or deliveries to and from the site on Sundays or Bank Holidays.
4. Prior to the first use/occupation of the development hereby permitted, the details set out in the submitted Water Management Statement shall be fully implemented and remain thereafter.
5. No building operations hereby permitted shall commence above slab level until details of the materials to be used in the construction of the external surfaces of the dwelling hereby permitted have been submitted to and approved in writing by the Local Planning Authority. The details to be submitted shall include a written schedule or manufacturers specifications of all external facing materials including brick work, cladding and roof tiles. The development shall be carried out using the materials as approved and retained in that form thereafter.

6. The development hereby approved shall not be brought into use until the access, parking, turning and cycling facilities have been provided as shown on drawing PL003 rev. B.
7. The development hereby approved shall not be occupied until the first 5 metres of the access into the development, measured from the edge of the carriageway, has been surfaced in a bound material.
8. No development above slab level shall commence until visibility splays are provided from a point 0.6m above carriageway level at the centre of the proposed access to the application site and 2.4 metres back from the near side edge of the adjoining carriageway, (measured perpendicularly), for a distance of 43 metres in each direction measured along the nearside edge of the adjoining carriageway and offset a distance of 0.6m from the edge of the carriageway. Nothing shall be planted, erected and/or allowed to grow on the triangular area of land formed which would obstruct the visibility described above, at any time.
9. No development above slab level shall commence until a landscaping scheme has been submitted to and approved in writing by the Local Planning Authority. All planting and seeding/turfing comprised in the submitted landscape scheme, hereby approved, shall be carried out in the first planting season following the first occupation/use of the development. All planting shall be watered as necessary and competitive weed growth controlled to ensure successful establishment. Any trees or plants that die, are removed, or become seriously damaged or diseased within a period of five years from the completion of the planting, shall be replaced in the next planting season with others of similar size and species.
10. The development hereby permitted shall not be first occupied until the proposed dwelling has been fitted with an electric vehicle charging point. The charging points shall comply with BS EN 62196 Mode 3 or 4 charging and BS EN 61851 and the Worcestershire County Council Streetscape Design Guide. The electric vehicle charging points shall be retained for the lifetime of the development unless they need to be replaced in which case the replacement charging point(s) shall be of the same specification or a higher specification in terms of charging performance.
11. Before the first use or occupation of the dwelling hereby permitted, details of renewable and/or low carbon energy generation measures shall be submitted to and approved in writing by the Local Planning Authority. The measures shall contribute to at least 10% of the predicted energy requirements of the development. The details to be submitted shall include: the overall predicted energy requirements of the approved development; the predicted energy generation from the proposed renewable/low carbon energy measures; and an implementation timetable for the proposed measures. The development shall be carried out in accordance with the approved details.