



Appeal Decision

Site visit made on 8 September 2020

by Bhupinder Thandi BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 12 October 2020

Appeal Ref: APP/D1835/W/20/3254438

17 Waverley Street, Worcester WR5 3DH

- 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 S Rendle of Wentworth Restoration and Construction against the decision of Worcester City Council.
 - The application Ref 19/00849/FUL, dated 8 November 2019, was refused by notice dated 16 January 2020.
 - The development is resubmission of application number 19/00156/FUL proposed dwelling with two parking spaces.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are:
 - The effect of the proposed development upon the character and appearance of the area;
 - The effect of the proposed development on the living conditions of nearby occupiers with specific regard to light, outlook, overlooking, privacy and noise and disturbance; and
 - Whether the proposal would provide satisfactory living conditions for future occupants with specific regard to amenity space.

Reasons

Character and appearance

3. The appeal site comprises a vacant rectangular parcel of land sited to the rear of 48 Cavendish Street fronting Waverley Street. The site has been fenced off from the rear of the host property. This side of Waverley Street is incredibly varied including small runs of terraces, dwellings built in rear gardens and domestic garages all varying in terms of their appearance, layout and scale creating an interesting ad hoc street scene. The Diglis playing fields and a play park are located opposite the site.
4. The proposed development would be notably different in appearance compared to neighbouring properties and would sit in a smaller plot. However, taking into

account the varied nature of Waverly Street the proposed development would not unduly harm the character and appearance of the area.

5. As such, in this regard the proposed development would accord with Policy 21 of the South Worcestershire Development Plan (2016) (SWDP) which, amongst other things, requires development proposals to complement the character of an area and to respond to surrounding buildings.

Living conditions for existing occupiers

6. As no first-floor windows in the rear elevation are proposed I find that the proposed development would not lead to actual or perceived overlooking of neighbouring gardens.
7. I acknowledge that the proposed development would be sited within close proximity of existing houses and rear gardens. However, a modestly sized single dwelling is likely to generate relatively low levels of noise associated with normal residential activities. As such, the proposed development would not substantially diminish the living conditions of occupiers in this regard.
8. The proposed development would result in the reduction of amenity space for the occupants of No 48. However, the resultant garden would still be usable and residents would be able to use the Diglis playing fields located within a short distance. As such, the resultant amenity space would be sufficient and, in this regard, would not unduly harm the living conditions of existing occupants.
9. Whilst the proposed development would have a scale and mass in keeping with properties in the area, it would neighbour existing gardens and would be sited within close proximity of existing dwellings. This lack of separation and its height and position would result in a visually intrusive and overbearing development creating a sense of enclosure that would severely diminish the living conditions of existing occupiers in terms of loss of light and outlook.
10. Notwithstanding my findings in respect of overlooking, privacy, noise and disturbance and existing amenity space I conclude that the proposed development would result in a loss of light and outlook adversely affecting the living conditions of existing occupiers. This would be contrary to SWDP Policy 21 which, amongst other things, expects development not to be unduly overbearing. It would also be contrary to the aims and objectives of the National Planning Policy Framework.

Living conditions for future occupiers

11. The amenity space would be limited to a small area to the rear and a balcony to the front. The South Worcestershire Design Guide Supplementary Planning Document (2018) (SPD) does not specify a minimum requirement but that amenity space needs to be useable, safe and secure.
12. The amenity space proposed in terms of size and shape would be adequate for future occupants given the modest size of the proposal. It would also be safe and secure. Furthermore, future occupants would be able to use the Diglis playing fields located opposite the site. I find that the proposal would accord with guidance set out in the SPD in respect of amenity space.

Other Matters

13. I note the presence of other properties with similar back to back distances in the area. However, I am not aware of the circumstances that led to them being considered acceptable by the Council and do not justify the harm that I have identified.
14. Whilst the proposal may well be a more effective use of a site close to the city centre and would help meet local housing needs, I find that this would not outweigh the harm that I have identified.
15. The appeal scheme before me is a resubmission of a preceding application refused by the Council. I appreciate that the appellant has attempted to overcome the concerns previously raised but the amendments would still result in a proposal that would harm the living conditions of existing occupiers.

Conclusion

16. For the reasons set out above the appeal does not succeed.

B Thandi

INSPECTOR