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## Appeal Decision

Site visit made on 12 January 2021

**by B Davies MSc FGS CGeol**

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

**Decision date: 22 February 2021**

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**Appeal Ref: APP/J1860/W/20/3258733**

**The Leys, Shelsley Beauchamp, Worcester, WR6 6RB**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a failure to give notice within the prescribed period of a decision on an application for planning permission.
  - The appeal is made by Mr and Mrs John Webber against Malvern Hills District Council.
  - The application Ref 20/00547/HP is dated 25 March 2020.
  - The development proposed is construction of an extension to house a home-gym, sauna and swimming pool.
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### Decision

1. The appeal is allowed and planning permission is granted for an extension to house a home-gym, sauna and swimming pool at The Leys, Shelsley Beauchamp, Worcester, WR6 6RB in accordance with the terms of the application Ref 20/00547/HP, dated 25 March 2020, subject to the conditions in the attached Schedule.

### Application for costs

2. An application for costs was made by Mr and Mrs Webber against Malvern Hills District Council. This application is the subject of a separate Decision.

### Preliminary matters

3. Although revised plans are available, the appellant ultimately requested that the Council base its decision on the original plans. I have therefore based my assessment on these.

### Main issue

4. Following submission of the appeal against non-determination, the Council has clarified the position it would have taken had it come to a decision on the planning application. The main issue is the effect of the proposal on the character and appearance of the host house and area.

### Reasons

5. The host property is a modern, two-storey detached house in open countryside. A gravel driveway leads to the back of the house, which hosts the front door and porch. The site is tucked into the back of a valley and constrained on 3 sides by slopes. The elevation facing the road has wide views across the valley below.

6. The South Worcestershire Design Guide Supplementary Planning Document<sup>1</sup> (SPD) recommends that front extensions should be sensitively designed to protect the character and appearance of the existing dwelling and the street. This is a material consideration of significant weight.
7. The 'front' elevation can be defined using various factors, including the location of the front door, the direction of the main living rooms, and which side faces the street and the public. In this case, while the front door is to the rear of the building, the elevation facing the road has a large patio and bi-fold doors, which take advantage of the open views from this side of the house. In this unusual case, both sides are candidates to be the 'front' and I have therefore considered both scenarios.
8. Assuming the front elevation is to the rear of the house, the proposed structure would extend significantly forward of this, creating an L shaped footprint overall. The structure would be single storey, albeit with truncated pyramidal roofs, and faced with timber cladding, in contrast to the rendered house. In form, the proposal would more closely echo the nearby timber garage rather than the main house, and in character would be more akin to an outbuilding.
9. Although the extension would not be set back from the front elevation, I consider that its height and finish would cause it to appear subservient to the main house in both appearance and character, in line with the recommendation of the SPD. I do not find that being highly visible necessarily equates to being dominant.
10. Alternatively, if the front elevation is taken to be the side of the house facing the road, then the proposed structure would be set back behind this. In addition, the lower height and contrasting materials would cause it to appear as a subservient extension to the main house, in line with the SPD.
11. I acknowledge that the SPD recommends that an extension should normally reflect the host house in its design and materials. However, in this case, because of its ancillary character, and the use of timber for such a purpose locally, I do not consider that a contrasting design and finish is harmful to the host building.
12. The intention of the SPD is also to protect the appearance of the area, including the street. There would be an unbroken expanse of timber cladding on the long north side and shorter south elevation. However, both sides face a substantial retaining wall, above which is a grassy bank, and are therefore not easily visible from the public domain. For this reason, I do not find the design of these walls harmful to the appearance of the area.
13. Only the narrow western face of the extension would be easily visible when approached by road. The timber facing on this side is interrupted with barn style doors and a window, which softens the appearance. The front pyramidal roof would be visible and this would be a-symmetrical, a form which is not found on the main building. However, as the overall structure would clearly be an extension of contrasting design, in addition to being subservient and only partly visible from the public domain, I do not have any reason before me to find this harmful. I therefore do not consider that the appearance of the extension would be harmful to the area.

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<sup>1</sup> Adopted March 2018

14. For the reasons above, I do not find that the proposal conflicts with the requirements of Policy SWDP21 of the South Worcester Development Plan (February 2016), which supports high quality design that integrates effectively with its surroundings.

### **Conditions and conclusion**

15. In addition to the statutory time limit, I have imposed a condition to secure accordance with the approved plans in the interests of certainty. Although not specified by the Council, I consider both of these conditions to be standard and uncontentious.
16. I have included 2 conditions regarding the disposal of water from the site based on those suggested by the Council, which I consider necessary and reasonable to ensure that the site is adequately drained. There is nothing before me to suggest that a solution to drainage of the roof and pool must be identified prior to commencement and I therefore do not consider it necessary for these to be written as such. I have also removed the requirement for specific distances related to any soakaway, given that the site has no immediate neighbours and the constrained topography could make these unachievable. The condition still ensures that appropriate drainage must be agreed with the Council prior to implementation. I have also amended the wording in the interests of precision and clarity, and in order to comply with advice in the PPG.
17. I have not identified harm from the proposal to the character and appearance of the host house and area, and I have not found conflict with the development plan when read as a whole. For the reasons above, the appeal should be allowed.

*B Davies*

INSPECTOR

### **Schedule of Conditions**

- 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the approved plans:
  - Location Plan (Ref 2005\_0\_010), 30 March 2020
  - Existing Floor Plan (Ref 2005\_0\_100), 30 March 2020
  - Existing Elevations (Ref 2005\_0\_110), 30 March 2020
  - Site Plan (Ref 2005\_1B\_150), 30 March 2020
  - Proposed Floor Plan (Ref 2005\_1B\_200), 30 March 2020
  - Proposed Roof Plan (Ref 2005\_1B\_209), 30 March 2020
  - Proposed Elevations – Sheet 1 (Ref 2005\_1B\_210), 30 March 2020
  - Proposed Elevations – Sheet 2 (Ref 2005\_1B\_211), 30 March 2020
- 3) A percolation test must be carried out in accordance with BRE Digest 365, or such other equivalent guidance as agreed in writing by the Local Planning Authority. The results of the percolation test shall be submitted to and agreed in writing by the Local Planning Authority. If the percolation test results show that ground conditions are unsuitable for some, or all, types of infiltration device then an alternative method of surface water disposal will need to be submitted for approval. The agreed recommendations shall be implemented in full prior to the first occupation of the development.
- 4) Details regarding the location of any proposed soakaway(s) must be submitted to and agreed in writing by the Local Planning Authority. The agreed recommendations shall be implemented in full prior to the first occupation of the development.