



Appeal Decision

Site visit made on 23 February 2021

by Bhupinder Thandi BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 9 March 2021

Appeal Ref: APP/D1835/W/20/3263182

15 St Audries Road, Worcester WR5 2AL

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
 - The appeal is made by Mr Nigel Parsonage against the decision of Worcester City Council.
 - The application Ref 20/00475/OUT, dated 6 July 2020, was refused by notice dated 13 November 2020.
 - The development proposed is a new dwelling to garden of 15 St Audries Road, Worcester.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. The application was submitted in outline with all matters reserved for future consideration. I have determined the appeal on this basis.
3. An illustrative layout accompanies the application and I have paid regard to this layout in so far as assessing the principle of development in land use terms.

Main Issue

4. The main issue is the effect of the proposed development upon the character and appearance of the area.

Reasons

5. The appeal site forms part of the rear garden of 15 St Audries Road located within a residential cul de sac. Despite some variations, dwellings in the street are similar in terms of property size, design and set back from the road with mature rear gardens. There are obvious gaps between the dwellings which allows for an appreciation of the rear gardens which adds to this pleasant and spacious residential environment.
6. Policy SWDP 38 of the South Worcestershire Development Plan (2016) (SWDP) aims to protect designated Green Spaces in South Worcestershire. Part B of the policy sets out a number of exceptions that justify development of such Green Spaces.

7. The proposed development is not for a community or recreational use and there is no evidence before me to indicate that the Green Space is surplus to requirements or that an alternative or replacement space is proposed. Consequently, no exceptional circumstances have been demonstrated to justify the loss of the Green Space.
8. The site along with neighbouring rear gardens contribute to the spatial characteristics and distinctiveness of the local area. The proposed development would result in an uncharacteristic concentration of built form behind No 15 and would adversely affect the general layout in the residential street. It would fail to integrate with the pattern of development in the surrounding area. Consequently, the introduction of built form would appear as an incongruous feature and would result in the loss of an attractive spacious garden harming the character and appearance of the area and unacceptably eroding the positive contribution it makes to the surrounding Green Space network.
9. Consequently, the proposed development would adversely affect the character and appearance of the area contrary to Policies SWDP 21 and SWDP 38 which, amongst other things, seek to protect Green Spaces and for development to integrate effectively with its surroundings and reinforce local distinctiveness. It would also be contrary to the guidance set out in the South Worcestershire Design Guide Supplementary Planning Document (2018) which, amongst other things, encourages a higher standard of design in all aspects of the built environment.

Other Matters

10. The appellant questions the validity of Policy SWDP 38, contending they were not consulted regarding the designation. Local plans should be underpinned by relevant and up-to-date evidence and are examined to assess whether they have been prepared in accordance with legal and procedural requirements. It is not within the scope of a Section 78 appeal to consider such matters. I therefore afford this matter negligible weight in coming to my decision.
11. I acknowledge that the scheme has been re-designed and the Highways Department raise no objection. However, this does not overcome the harm that I have identified in relation to the main matter.
12. The appellant contends that the second reason for refusal was introduced late into the application process. However, I must consider the merits of the appeal before me, irrespective of when they were raised in the application process.

Conclusion

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

B Thandi

INSPECTOR