The Planning Inspectorate

Appeal Decision

Site visit made on 16 March 2021

by L Page BSc (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 29th March 2021

Appeal Ref: APP/J1860/D/20/3265360
The Nook, Birchwood, Storridge WR13 5HA

- 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 Colin Raven against the decision of Malvern Hills District Council.
- The application Ref 20/00544/HP, dated 20 April 2020, was refused by notice dated 8 December 2020.
- The development proposed is removal of garage and 2 porches. Erection of garage, single storey side extension and two storey extension. Change existing dormers to pitched.

Decision

1. The appeal is dismissed.

Main Issue

2. The main issue is the effect of the proposal on the character and appearance of the area, including on the natural beauty of Malvern Hills Area of Outstanding Natural Beauty (AONB).

Reasons

3. The site is located at the Nook in Birchwood, which is set alongside a minor highway in a largely rural location. There is a dispersed and low density pattern of development in the immediate vicinity of the site, where dwellings comprise single and two storey construction, with traditional materials and features such as exposed brick, timbers, tiled roofs, and whitewashes.

4. Generally speaking, whilst all dwellings in the immediate vicinity all share a traditional rural farmhouse aesthetic, there is a variation in form and proportions wherein each dwelling makes an individual contribution to an interesting and varied street scene and local vernacular.

5. The site is also located in Malvern Hills AONB, wherein guidance[1] sets out that, in part, its natural beauty is derived from rich diversity of building types, scales and styles which contribute to a sense of place. Consequently, the context of the site shares some of the characteristics that contribute to the natural beauty of Malvern Hills AONB.

[1] Malvern Hills Area of Outstanding Natural Beauty Guidance on Building Design 2013

6. The Nook is a one and a half storey dwelling, by virtue of the first floor comprised in the roof space, with a very traditional appearance, consistent with the general vernacular of other dwellings in the vicinity, insofar as it is constructed of exposed brick, stone, and timbers with whitewashing. It is an interesting example of a smaller dwelling, with a degree of quaintness that contrasts with some of the other larger dwellings in the vicinity. For example, the larger two storey dwellings and large ancillary buildings to the east. It therefore makes a substantial contribution to the existing sense of place and by extension underpins the diversity of building types that contribute to the natural beaty of Malvern Hills AONB.

7. The proposal would replace the existing cat slide roof with a two storey extension, projecting a substantial distance into the garden area away from the principal form of the dwelling. The scale of this extension alone would overtake and detract from the quaintness of the principal form of the dwelling, fundamentally changing its character. This would harm its role as a smaller dwelling within the wider local vernacular of dwellings. A further, albeit smaller extension to the south and the addition of pitch roofs to the garage and dormers, whilst not substantial in their own right, would accumulate and compound these harmful effects.

8. In relation to the planning history of the site, it is not clear whether the planning permission secured in 2016 is extant. Consequently, it is not clear whether a fallback position exists. The development secured by that planning permission appears to deal with an extension to the south, unlike in this case where the cumulative effects of the proposal are greater. Notwithstanding, it is not for me to re-examine the planning history of the site or other examples of extensions nearby or hypothesise about potential effects of permitted development rights without a lawful development certificate. I have assessed the proposal based on the evidence in front of me.

9. I acknowledge that the proposal would use materials that are in keeping with the character and appearance of the area, and also avoid harmful effects on neighbouring living conditions. However, these matters are not necessarily in dispute and would not mitigate matters relating to scale in any event. Boundary features may make glimpses of the dwelling fleeting but the nature of the highway, insofar as it is a minor highway, means that more people are likely to use it for walking or cycling. Therein, the dwelling is in plain view when passing and can be enjoyed by the public in this context.

10. Overall, the proposal would harm the character and appearance of the area, including the natural beauty of Malvern Hills AONB and conflict with Policies SWDP 21 and SWDP 23 of the South Worcestershire Development Plan 2016 and Paragraphs 124 and 130 of the National Planning Policy Framework. Among other things, these policies are pursuant to Section 85 of the Countryside and Rights of Way Act 2000 and the statutory duty to conserve or enhance the natural beauty of Malvern Hills AONB.

Conclusion

11. For the reasons given, the appeal is dismissed.

Liam Page

INSPECTOR