



Appeal Decision

Site visit made on 13 April 2021

by Thomas Hatfield BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 19th April 2021

Appeal Ref: APP/D1835/W/20/3264578

Plot adjacent to 22 Berwick Street, Worcester, WR5 3EA

- 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 Kevin Ford against the decision of Worcester City Council.
 - The application Ref 20/00172/FUL, dated 3 March 2020, was refused by notice dated 22 September 2020.
 - The development is proposed new 2no bedroom detached dwelling, with 2no off road parking spaces.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are the effect of the development on:
 - (a) The character and appearance of the area;
 - (b) The living conditions of the occupiers of neighbouring properties with regard to loss of outlook, and;
 - (c) The living conditions of future occupiers of the development with regard to outlook and the provision of adequate outdoor amenity space.

Reasons

Character and appearance

3. The appeal site consists of an area of vacant and overgrown land on the southern side of Berwick Street. It is positioned on sloping ground and is largely surrounded by existing houses.
4. There is some variation in the design of the properties along Berwick Street and Orchard Street, although those in the vicinity of the appeal site are mostly traditional terraced houses. These are characterised by front doors facing the street, and roof profiles that slope away from the road. In contrast, the development would incorporate a front gable roof profile, and access to the property would be via a side door. Whilst my attention has been drawn to other gables nearby, those are either at the rear of existing properties, are side gables positioned at road junctions, or are small front dormers set within a sloping roof profile. These examples are not directly comparable to the current appeal proposal, and in my view, the front gable would be a discordant feature within the street that would draw the eye. Moreover, the lack of a front door

would create a relatively featureless front elevation that would be at odds with the appearance of surrounding properties.

5. For the above reasons I conclude that the development would significantly harm the character and appearance of the area. It would therefore be contrary to the relevant sections of Policy SWDP 21 of the South Worcestershire Development Plan (2016), which requires that new development integrates effectively with its surroundings and reinforces local distinctiveness. It would also be at odds with the National Planning Policy Framework ('the Framework'), which requires new development to be sympathetic to local character.

Living conditions – neighbouring occupiers

6. The development would be in close proximity to the rear boundaries of Nos 1-3 Orchard Mews and No 4 Orchard Street. These are terraced properties with short rear garden areas that back directly onto the appeal site.
7. Whilst the development would be positioned on sloping ground beneath the adjacent gardens, its first floor and roof would still project significantly above the rear fence line. This would create an imposing presence along the boundary that would enclose these spaces along one side. This would have a harmful overbearing effect that would be visually oppressive to users of the garden areas. Whilst this effect would be most pronounced at the rear of Nos 2-3 Orchard Mews, it would also be significant in relation to the rear garden of No 4 Orchard Street. The effect on No 1 Orchard Mews would be more limited given the position of the proposed dwelling, however, this property would lose part of its amenity space to facilitate the construction of a visibility splay. The amenity area serving No 1 is already relatively small, and this loss would be harmful to the occupiers of the property in my view.
8. Separately, the proposed west-facing first floor window could be obscurely glazed to ensure that no significant loss of privacy to No 22 Berwick Street would arise. This could be secured by condition. However, that does not alter my other concerns regarding the development, as set out above.
9. For the above reasons, I conclude that the development would significantly harm the living conditions of neighbouring occupiers with regard to loss of outlook. It would therefore be contrary to the relevant sections of Policy SWDP 21 of the South Worcestershire Development Plan (2016), which requires that new development should not be unduly overbearing. It would also be at odds with the Framework in this regard, which requires that new development provide a high standard of amenity for existing and future users.

Living conditions – future occupiers

10. The development would be served by a relatively small rear garden that would be around 24 square metres in size (according to the appellant). This would be comparable to the garden spaces that serve the adjoining properties at Nos 1-3 Orchard Mews and other neighbouring properties. Whilst it would be relatively modest in size, it would be sufficient to allow residents to sit outdoors, dry clothes, and store cycles and refuse containers. Given the size of the proposed dwelling, and the character of the surrounding area, it would be adequate in this case. Separately, whilst the living room would look out onto the proposed parking spaces, that is a common arrangement along the street, and it would not be unduly harmful in my view.

11. For the above reasons, I conclude that the development would not significantly harm the living conditions of future occupiers of the development with regard to outlook and the provision of adequate outdoor amenity space. It would therefore accord with the relevant sections of Policy SWDP 21 of the South Worcestershire Development Plan (2016), which requires that new development provide adequate levels of privacy and outlook.

Other Matters

12. The Council's Strategic Housing Market Assessment identifies a particular demand for smaller 1-2 bedroom rental units, which the development would assist in meeting.
13. It is asserted that there is significant parking stress in the local area. However, the development would provide 2 off-street spaces and so would not significantly add to this.

Conclusion

14. As set out above, I conclude that the development would significantly harm the character and appearance of the area and the living conditions of neighbouring occupiers. Whilst it would provide a new dwelling in a relatively accessible location, would involve the development of a vacant site, and would generate some modest economic benefits, that does not alter my view that the appeal should be dismissed.

Thomas Hatfield

INSPECTOR