



Appeal Decision

Site Visit made on 13 October 2020

by S Thomas BSc (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 19 May 2021

Appeal Ref: APP/D1835/W/20/3255974

Land to the side of 15 Happy Land North, Worcester, WR2 5DH

- 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 Mrs Tracy Rochelle and Mr Andrew Parish against the decision of Worcester City Council.
 - The application Ref 20/00278/FUL, dated 23 April 2020, was refused by notice dated 19 June 2020.
 - The development proposed is attached dwelling.
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Decision

1. The appeal is allowed and planning permission is granted for an attached dwelling on land to the side of 15 Happy Land North, Worcester, WR2 5DH in accordance with the terms of the application, Ref 20/00278/FUL, dated 23 April 2020, and the plans submitted with it, subject to the following 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 following approved plans: MA/15HLN/01/survplan/SR Rev A (site location and existing survey plan); MA/15HLN/02/survelev/SR (existing elevations); MA/15HLN/11/layouts/SR Rev B (proposed floor plan); MA/15HLN/12/elevs/SR (proposed elevations).
 - 3) No development above slab floor level shall take place until details / samples of the materials to be used in the construction of the external surfaces of the development hereby permitted have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details / samples.
 - 4) The dwelling shall not be occupied until space has been laid out within the site in accordance with the approved plans for access and parking, for cycle parking and for waste and recycling facilities. These areas shall thereafter be kept available at all times for those purposes.
 - 5) Before the first occupation of the development hereby permitted a scheme of hard and soft landscaping, including boundary treatments, shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall be carried out in accordance with the approved details and a timetable agreed by the Local Planning Authority.
 - 6) Construction works or deliveries shall take place only between 08:00 and 19:00 hours Monday to Friday and between 09:00 to 13:00 hours on Saturday and shall not take place at any time on Sundays or on Bank or Public Holidays.

Main Issues

2. The main issues are the effect of the proposed development on (i) the character and appearance of the area and (ii) highway safety with particular regard to parking.

Reasons

Character and Appearance

3. The appeal site forms part of the rear garden of No 100 Bromyard Road, but has a frontage to Happy Land North adjacent to No 15. The site currently is occupied by a garden shed and has a parking space for one vehicle. Happy Land North has a varying character of development, typically red brick properties of different styles, and displaying varying setbacks from the street. The proposed dwelling would be of a style and design that would sympathetic to surrounding development. It would be set back from the front elevation of No 15, thereby providing a degree of subservience to the existing terrace, and so would not be out of keeping given the varying setbacks in the street scene.
4. Some of the properties along Happy Land North have an off-street parking area to the front of the properties where the front boundary wall has been removed, and so this too forms part of the street scene. I am satisfied the appeal scheme could adequately accommodate parking, cycle storage and waste and recycling without appearing overly congested. The Council has suggested the frontage would appear cramped, but it would be little different in size compared with other properties in the vicinity.
5. The Council is concerned that the proposal would narrow the gap between the existing two storey dwellings and the garage. However, given the single storey nature of the existing garage there would remain a visual break between dwellings at two storey level. The dwelling's set-back behind the existing adjacent dwellings would also make it less visually dominant. I therefore conclude the proposal would integrate satisfactorily into the street scene.
6. Therefore, the proposal would not result in harm to the character and appearance of the area. Accordingly, the proposal would accord with Policy SWDP 21 of the South Worcestershire Development Plan (2016) (Development Plan). Amongst other things this policy seeks to ensure that development integrates effectively with its surroundings and complements the character of the area.

Highway Safety

7. The Council has raised concerns about the impact on parking provision were the appeal to succeed. There is a dispute between the parties regarding the number of bedrooms at No 100, and the consequent parking requirement that arises for that property. My site visit confirmed that No 100 is currently laid out with 3 bedrooms at first floor level, with a converted attic space not used as bedroom. Whilst this attic area could conceivably be used as a bedroom in the future, it would not be ideal as lacks privacy because there is no door separating it from the staircase. On balance, I am satisfied that the existing two spaces on Bromyard Road at the front of this property are adequate provision, and in accordance with the Council's Streetscape Design Guide (2020). I consider the loss of this property's 'third' space fronting Happy Land

North (the appeal site) would not cause significant problems in terms of parking.

8. Turning to the proposed dwelling, the proposal would provide one off-road parking space for the new dwelling rather than two, as required by the Council's Guidance. Happy Lane North is a narrow street and I observed cars parked on both sides of the road. However, although the street appeared quite congested, there was some limited on-street parking availability in the vicinity. Furthermore, the location of the appeal site is reasonably accessible to a range of local services, as well as sustainable transport options other than the private vehicle. Overall, I consider that the shortfall of one parking space is unlikely to result in unacceptable harm to highway safety.
9. Accordingly, the proposal would accord with Policies SWDP 4 and SWDP 21 of the Development Plan which amongst other things seeks that new development addresses road safety, and the road network should have the capacity to accommodate the volume of traffic from the development.

Conditions

10. I have considered conditions of the National Planning Policy Framework and Planning Practice Guidance (PPG). Where necessary I have amended the wording in the interests of precision and clarity.
11. Conditions relating to commencement of development and specifying the relevant drawings are necessary in the interests of certainty. Conditions regarding materials and hard and soft landscaping are necessary to ensure the satisfactory appearance of the development. A condition is necessary to ensure the parking area, storage for cycles, waste and recycling are properly provided to ensure a satisfactory form of development. A condition restricting construction hours is necessary in the interests of the living conditions of neighbouring occupiers.
12. A condition restricting permitted development rights is unnecessary. The PPG is clear that such conditions are unlikely to meet the test of reasonableness and necessity.

Conclusion

13. For the reasons given above, and subject to conditions, the appeal is allowed.

S Thomas

INSPECTOR