



Appeal Decision

Site Visit made on 18 May 2021

by Tamsin Law BSc MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 13 July 2021

Appeal Ref: APP/W1850/W/21/3270492

182 Ledbury Road, Hereford, HR1 1SX

- 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 & Mrs S Williams against the decision of Herefordshire Council.
 - The application Ref P194390/F, dated 20 December 2019, was refused by notice dated 2 October 2020.
 - The development proposed is the erection of two dwellings.
-

Decision

1. The appeal is dismissed.

Procedural Matters

2. The appellant provided a Daylight, Sunlight and Overshadowing Assessment to the Council prior to my consideration of the appeal. The Council have accepted its findings and thus no longer object to the appeal scheme in this regard. I have no reason to disagree and have identified the main issues of the case accordingly.
3. The appellant has submitted amended plans with the appeal. Discussions thereon have taken place between the main parties and the statement of common ground explains that the amendments are minor. Briefly, and amongst other things, they comprise a step back of the dwellings into the appeal site to create a frontage area and bring them in line with the remainder of the street scene. This is partially in response to the Council's reasons for refusal and some third-party comments.
4. Whilst the changes, on their face, are not extensive, they do represent a noticeable departure from the scheme that the Council considered and that on which the views of third parties were sought. I have some concerns therefore that accepting the amended plans would result in some prejudice to third parties wishing to comment.
5. Having regard to the procedure guide¹, planning appeals should not be used to amend a scheme and any plans submitted should be those that the Council considered at the time they determined the planning application. I have not therefore taken the amended plans into account in making my decision.

Main Issues

6. With the above in mind, the main issues are the effect of the proposed development on a) the living conditions of the occupiers of Nos 182 and 184

¹ The Planning Inspectorate Procedural Guide – Planning Appeals – England (March 2021)

Ledbury Road with particular regard to outlook; and b) the character and appearance of the area.

Reasons

Living Conditions

7. The appeal site is located to the rear of 182 Ledbury Road. From the rear of No 182 the site slopes upwards and is thus in an elevated position. The orientation of the proposal would mean that its corner would be in close proximity to the boundary of No 182. Both the side and rear elevations would be visible from No 182 and the rear elevations from the garden of No 184.
8. This elevated position combined with the two storey nature of the proposal and its close proximity to the garden and rear elevation of No 182 would create a dominant feature which would have an overbearing effect on the outlook from both the garden and rear facing rooms of No 182. Despite the same relative elevated position of the proposal, the same cannot be said of No 184, given the separation distance between the proposal and its garden and habitable rooms.
9. Whilst the proposal would not harm the living conditions of the occupiers of No 184, it would have a harmful effect on the living conditions of the occupiers of No 182 with particular regard to outlook, for the reasons I have given. The proposal would therefore be contrary to Core Strategy (CS) Policies SD1, LD1 and SS6 and paragraph 127 of the National Planning Policy Framework (the Framework) which seek, amongst other things, to safeguard the living conditions of existing and future residents.

Character and Appearance

10. The proposal would front on to Quarry Road which slopes up away from Ledbury Road. Properties along both Ledbury Road and Quarry Road are similarly designed with an established building line set back from the road with a garden/parking area to the front. This creates a sense of general uniformity and openness that contributes positively to the area's character. The corner plot and garden of No 182 contribute positively to the area providing a green buffer between the built development on Ledbury Road and Quarry Road.
11. Whilst immediately adjoining properties benefit from large gardens, there are a range of garden sizes and shapes in the surrounding area. No 182 would retain a small area of garden to the rear and a larger area to its side. Private garden areas will be provided to the rear of the proposed dwellings with a drive providing parking to the side.
12. Since no front garden/parking is proposed and as the dwellings will front on to the adjoining pavement, the aforementioned sense of uniformity and openness would be eroded. Whilst the scale of the dwellings would not exactly replicate those surrounding, and their simple design and use of similar materials would assist in their visual assimilation, their projection forward of the building line would detract from the character and appearance of the area.
13. I note the Council's concern regarding the proposal being a cramped form of development, however taking into account the size of the garden spaces afforded to them and the size of the garden retained by No 182, it does not strike me that the buildings would appear cramped.

14. With the above in mind, the proposal would be contrary to CS policies SD1, LD1 and SS6 which seek to ensure that development makes a positive contribution to the character and appearance of an area. The appeal scheme would also be contrary to paragraph 127 of the Framework that seeks good design sympathetic to the local character.

Other Matters

15. The appellant suggests that the Council cannot demonstrate the supply of housing sites required by the Framework. If this were to be the case, I would be taken to paragraph 11 of the Framework. The most important policies would be out of date. As the erection of two dwellings, the proposal would make a very limited contribution to any housing undersupply. The scale of the scheme would accordingly limit its associated socio-economic benefits. Paragraph 127 of the Framework requires that developments have a high standard of amenity for existing and future users. I have found that the proposal would cause unacceptable harm on the living conditions of No 182 and on the character of the area in the manner I have described above. I ascribe significant weight to these harms which would be long lasting. Therefore, and in regard to the specific circumstances of this case, the adverse impacts of granting a planning permission would significantly and demonstrably outweigh the benefits. It would not therefore be sustainable development for which the presumption in favour applies.
16. Local Residents have raised concerns on highway safety and the privacy of nearby businesses. I note as part of my site visit that the area in front of the proposed dwellings was used for parking for users of the nearby businesses. I also noted an area of on street parking in front of the businesses. I could not see any parking restrictions in the area, and whilst the proposal would result in the loss of some on-street parking, this would be minimal, and sufficient parking appeared to be available in the surrounding area. The road is straight with good visibility enabling any future users to adequately see vehicles or pedestrians. With regards to the privacy of the nearby businesses, these are on the opposite side of the road and I consider the distance maintained between them and the proposal would ensure that the privacy of the users of these businesses would be safeguarded

Conclusion

17. For the reasons given above I conclude that the appeal should be dismissed.

Tamsin Law

INSPECTOR