



Appeal Decision

Site visit made on 18 January 2022

by M. P. Howell BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 1 February 2022

Appeal Ref: APP/J1860/W/21/3286059

Land at No. 36 Clare Road, Malvern, Worcester WR14 2EL

- 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 Jaff against the decision of Malvern Hills District Council.
 - The application Ref 21/00890/FUL, dated 7 May 2021, was refused by notice dated 6 July 2021.
 - The development proposed is for the erection of 1 No. Detached Bungalow.
-

Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are:
 - The effect of the proposed development on the character and appearance of the area.
 - The effect of the proposed development on the living conditions of the occupants of 36 Clare Road with regard to noise and disturbance.
 - Whether the proposed development would have a suitable access, with particular regard to highway and pedestrian safety.

Reasons

Character and Appearance

3. The appeal site is in the rear garden of 36 Clare Road, which also adjoins a rear parking court off Reed Close. The parking court has a coarse finish with no formal or defined parking layout, however, four detached garages with a corrugated metal finish are positioned close to the rear boundary of No 36. Opposite is a row of detached single garages serving properties on Orford Way. Reed Close is a narrower vehicle highway, which provides access to two parking courts and a handful of dwellings fronting the Close. The dwellings fronting the Close are mostly single storey, finished in red brick, with a setback and an orientation towards Reed Close and the rear of Orford Way. The scale, height, orientation and set back of the dwellings, together with the finishing materials provides a coherent residential character and appearance to the area.
4. The proposed siting of the development in the rear garden of No 36 leads to the proposed development having a logical visual relationship with those dwellings fronting Reed Close and the parking court. However, due to the constraints of the site and the proximity of the detached garages, the dwelling would be

orientated to face No 36 and not Reed Close or Orford Way, with a largely blank eastern side elevation with only two small window openings. Accordingly, the limited set back, orientation and design of the bungalow is such that the scheme would appear disconnected, and at odds with the existing pattern of development on Reed Close and Clare Road, damaging the character and appearance of the area.

5. In support of the appeal, it was indicated that the neighbouring infill dwellings at 'Arts Bungalow' and 'Sundown' do not address the street in a similar manner to the proposed development. Although I do not have the full details of these schemes to compare, during my visit I saw that these two properties have a set back and are able to have a better relationship to Reed Close than proposed in this instance. In any event, this is a different scheme, which I have assessed on its own merits.
6. I, therefore, conclude that the proposed development would be at odds to the existing pattern of development, damaging the character and appearance of the area. As such, it would be contrary to the objectives of Policy SWDP 21 of the South Worcestershire Development Plan 2016 (DP) Policy MD2 of the Malvern Town Neighbourhood Plan 2019 (NP) and guidance within the South Worcestershire Design Supplementary Planning Document 2018 (SPD). These policies and guidance, in general, seek to ensure new development is of a high design quality and will integrate effectively with its surroundings, reinforcing local distinctiveness and character. It would also fail to accord with the design objectives of the National Planning Policy Framework (the Framework).

Living Conditions

7. The layout of the proposed development is such that the entrance door of the proposed bungalow would face the rear boundary of No 36. On my site visit I saw that No 36 would retain a good-sized garden, with a patio area accessed directly from some sliding doors on the rear elevation. Due to the tapered shape of the plot, the proposed entrance door would face the garden but would not directly face the patio or rear elevation of No 36.
8. I accept that the location of the entrance door would be close to the neighbours rear garden, however, the average number of movements to and from a single residential property of this size (two bedroom) would not be high. Furthermore, when considering the location of the entrance door, the size of the retained garden at No 36 as well as the boundary enclosures, the proposed development would not result in a level of noise and disturbance that would be detrimental to the private garden and living conditions of the occupants of No 36.
9. Accordingly, the proposed development would comply with the aims of criterion (iv) of Policy SWDP21 of the DP, Policy MH2 of the NP and the guidance within the South Worcestershire Design SPD. These policies and guidance seek to ensure new development does not unacceptably impact upon the living conditions of adjacent residents and occupiers. The proposal would also comply with the objectives of the Framework.

Access, Highway and Pedestrian Safety

10. The existing situation allows the occupants of No 36 to access the rear of the property, with or without a vehicle from Reed Close. They do not own the parking court land, but it is clear from the submitted evidence that they have a right of way over the parking court to access the property from Reed Close.
11. The proposed development does not propose to alter the existing access arrangements, with the proposed dwelling being accessed in the same manner, and No 36 being accessed from the front. Although the site edged red does not meet an adopted highway, the proposed development does not propose any works to the parking court or Reed Close to accommodate the new dwelling. There is no evidence submitted with the appeal that indicates that works would need to be carried out to the highway or parking court to accommodate safe access. In addition, there is no suggestion that the proposed development would result in an increase in movements that could not be accommodated by the existing highway network.
12. In view of the above, the appellant would be utilising an existing vehicle and pedestrian access, and there are no works required outside of the site edged red to make it safe and useable. As no works are required to make the existing access safe and the proposed development would not result in a marked increase in vehicle and pedestrian movements, the risk to vehicle and pedestrian safety over and above the existing situation is negligible.
13. Accordingly, the proposed development would comply with the aims of criterion (ix) of Policy SWDP 21 South Worcestershire DP and paragraph 112 of the Framework. This criterion, and paragraph of the Framework, seek to ensure vehicular traffic from the development should be able to access the highway safely, and the road network should have the capacity to accommodate the type and volume of traffic from the development.

Conclusion

14. Whilst I find no harm to highway and pedestrian safety or the living conditions of No 36, this is a neutral effect and does not outweigh the impact upon the character and appearance of the area. Accordingly, the proposed dwelling is contrary to the aims of the development plan policies set out above.
15. For the reasons given above and taking into account the development plan as a whole and all other relevant material considerations, I conclude that the appeal should be dismissed.

M. P. Howell

INSPECTOR