



Appeal Decision

Site visit made on 8 February 2022

by Rachel Hall BSc MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 14 March 2022

Appeal Ref: APP/D1835/W/21/3280484

51 Birchwood Mill, Northwick Close, Worcester WR3 7EF

- 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 P Lynas against the decision of Worcester City Council.
 - The application Ref 20/00546/FUL, dated 30 July 2020, was refused by notice dated 24 June 2021.
 - The development proposed is demolition of existing buildings and structures and the construction of 3no. detached bungalows.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are the effects of the proposal on designated Green Space, the character and appearance of the area, and the character or appearance of the conservation area.

Reasons

3. Policy SWDP 38 of the South Worcestershire Development Plan (2016) (Local Plan) acknowledges that some of the designated Green Space is private land, as is the case here. Moreover, the policy justification notes that such private Green Space can provide valuable functions in respect of biodiversity, the character of an area, and a sense of openness and space. It aims to protect areas designated as Green Space unless specific exceptional circumstances are demonstrated.
4. Although the policy is within the tourism and leisure chapter of the Local Plan, it applies to all forms of development proposals on designated Green Space. The appeal proposal is not for a community or recreational use, nor has it been demonstrated that the Green Space is surplus to requirements or that alternative Green Space would be provided. Therefore, the proposal cannot be said to accord with these exceptional circumstances and would conflict with this policy.
5. Houses on Northwick Close front onto the road, to a strong building line and at relatively high density. Adjacent to the appeal site access, a foot and cycle path (the footpath) leads off Northwick Close at right angles. This footpath forms one of the appeal site boundaries and it marks a change in the character of this area. Here, plots between the footpath and the River Severn are within the conservation area. The plots are relatively large and buildings generally widely spaced, with mature intervening vegetation.

6. Some houses nearer the river are positioned more closely to one another. However, these are positioned alongside the river, rather than being surrounded by other built development. The area therefore has a verdant, spacious and semi-rural character. These are defining features of the character of the area in which the site is located, and the conservation area as a whole. It's location away from densely populated residential roads also lends a tranquil feel.
7. In contrast, houses between the footpath and broadly parallel Northwick Road, such as those on Eastbank Drive which also borders the footpath, are positioned on smaller plots with buildings much closer to one another. The character is higher density there, in keeping with that of Northwick Close and other residential roads outside of the conservation area.
8. The close boarded fence that forms the appeal site boundary with the footpath means public views into the site there are constrained. Views into and out of the site's opposite boundary are constrained by the timber workshop located within the appeal site along that boundary. Those views are further limited by a row of substantial evergreen trees and a single storey building on immediately adjoining land. Given its limited visibility from the surrounding area, and its character as a garden associated with Birchwood Mill, it currently has a neutral effect on the character and appearance of the conservation area.
9. Although the site is relatively enclosed, the appeal scheme would not be entirely hidden from view. From the proposed new access road, the proposal would appear cramped, comprising three new dwellings in a narrowing part of the site. The dwellings would appear to occupy a substantial proportion of the site, at odds with the spacious pattern of development that is prevailing this side of the footpath. This would be particularly evident in respect of plot 3 which would be positioned at the narrowest part of the site and extend relatively close to both boundaries. Consequently, its large windows projecting into the proposed gable roof would impose unacceptably in longer views along the footpath.
10. The cramped design would also be visible from first floor windows of some houses on Eastbank Drive that back on to the footpath. Whilst these are private views, in my view the cumulative experience from multiple private vantage points amounts to a legitimate matter of public interest here. Even noting that the existing structures on site may have a larger floorspace than the proposed development, the erection of three dwellings approximately centrally within the appeal site would undoubtedly result in a diminished sense of openness in comparison to the existing low rise outbuildings that are more widely spaced around the site.
11. There would also inevitably be an increase in comings and goings from future occupants of the proposed new dwellings and manoeuvring of their vehicles. This would result in an increase in noise and disturbance that would be perceptible from the footpath and adjacent gardens. This would be in stark contrast with the existing site which has the character of a garden, without regular vehicular access beyond that associated with the main house. Even in its last active use as a children's nursery, it would likely have been a quiet space in the evenings and weekends, as well as at times during the working day.

12. Therefore, whilst individually the houses could be considered to achieve a high quality of design, the proposal as a whole would unacceptably harm the character and appearance of the surrounding area. For similar reasons, it would also fail to preserve or enhance the character or appearance of the conservation area, giving rise to a degree of harm of a scale that would be less than substantial, but to which I afford considerable importance and weight. As such, it is necessary to weigh this harm against the public benefits of the proposal.
13. There would be some benefits from creating additional residential accommodation within Worcester's development boundary. It could provide for elderly or individuals with particular mobility requirements and is in an area with good accessibility to a range of services and facilities. Given the small number of dwellings proposed, and the Council's evidence that it can demonstrate in excess of a 7 year supply of housing, benefits to housing supply would be limited. Benefits from construction employment and local trade would be similarly limited, and I have no sufficiently robust mechanism before me to ensure that the housing would be secured for elderly persons or those with mobility requirements. There would be landscaping enhancements, which would accord with Policy SWDP 22 (criterion F) of the Local Plan, but they are not reliant on the proposed development.
14. Taken together, these benefits would therefore attract modest weight, such that they would be insufficient to outweigh the harms that would arise. Accordingly, the proposed development would conflict with Policy SWDP 21 of the Local Plan which, amongst other matters, seeks to ensure developments integrate with their surroundings and protect the character and identity of the settlements, where appropriate enhancing heritage assets and their settings. It would similarly be contrary to Policy SWDP 6 of the Local Plan which requires that proposals conserve and enhance heritage assets.
15. Further, the proposal would be contrary to paragraph 130 of the National Planning Policy Framework (Framework) which sets out that development should be sympathetic to local character. It would also conflict with paragraph 200 of the Framework which requires that clear and convincing justification is provided for any harm to the significance of a heritage asset.

Other Matters

16. In respect of paragraph 102 of the Framework and characteristics of Local Green Space designations, and in the absence of robust evidence to the contrary, I am satisfied that the existing site addresses those criteria. Namely, that the site is close to the community it serves (accepting that it is not publicly accessible), holds a particular local significance in contributing to the verdant, tranquil character of the wider Green Space designation and conservation area, and not being an extensive tract of land.
17. Evidence in respect of the current lawful use of the appeal site and whether it falls within the Framework definition of previously developed land is not conclusive, although I note that the nursery use is said to have ceased in 2020 and therefore its current use may have reverted to a residential garden. In any event, and if the appeal site were to be previously developed land, its development would not justify the harms that I have found. In addition, whilst houses on Constance Road are in an area of higher density, these are not

within the conservation area and consequently appear to be within a different residential context.

18. I have had regard to the appeal decision in respect of Rosa Villa, Nunnery Lane (Ref APP/D1835/W/19/3234549) which also dealt with development on land designated as Green Space within Worcester. In that instance the Inspector found that the proposal would not have a significantly greater impact on the Green Space designation than the fallback scheme. Notwithstanding that this appeal scheme is said to result in a reduction in the quantity of floorspace on site, for the reasons given above, I find that its effect would have a notably greater impact on the Green Space designation than existing.
19. In respect of the planning permission granted by the Council for Brook House (Ref 19/00199/FUL), rather than three dwellings being spread across the centre of the site, a single dwelling was proposed adjacent to the existing house. By concentrating built development in one area, much of that site could therefore be retained as Green Space, with enhancements to the riverbank habitats and an overall improvement to the quality of the Green Space. Similarly, from the details that have been provided, the development granted planning permission at Lavender Road (Ref P18E0484) appears in keeping with the pattern of development in the locality of that site. Therefore, it does not alter my assessment of the appeal before me.
20. Whilst I appreciate that the appellant may have had difficulty obtaining the committee report for the development at Northwick Marina (Ref P17E0112), without full details of the circumstances under which that scheme was granted planning permission I am unable to make a meaningful comparison.
21. There has not been a high level of objection from local residents and some letters of support. However, that is not sufficient to alter my assessment of the enduring harm that would arise were the appeal to be allowed.

Conclusion

22. For the reasons given above, the proposed development would conflict with the development plan and there are no material considerations, including the approach in the Framework, of sufficient weight to indicate a decision other than in accordance with it. The appeal should therefore be dismissed.

Rachel Hall

INSPECTOR