



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: 22 March 2022

Appeal Ref: APP/D1835/W/21/3282133

29 Camp Hill Avenue, Worcester WR5 2HQ

- 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 E Mustin of EGM Homes Ltd against the decision of Worcester City Council.
 - The application Ref 20/00853/FUL, dated 9 November 2020, was refused by notice dated 16 June 2021.
 - The development proposed is external alterations to existing dwelling, and construction of 2no detached 3-bedroom dwellings including parking, turning areas and landscaping.
-

Decision

1. The appeal is dismissed.

Preliminary Matters

2. Notwithstanding the description of development in the heading above, the proposal was amended during the Council's determination period to comprise erection of only one new three bedroom dwelling. Whilst the description used on the Council's decision notice is as above, their stated reasons for refusal relate to erection of one new dwelling.
3. I note the Council's email from March 2021 confirming that they would consult on the revised scheme. I note also that a local resident provided an updated consultation response that referred to the proposed new dwelling in the singular. I have determined the appeal based on there being only one new dwelling proposed, and do not consider this to be prejudicial to any party.

Main Issues

4. The main issues are:
 - the effect of the proposal on the character and appearance of the site and surrounding area;
 - the effect of the proposal on the living conditions of the occupants of neighbouring houses, with respect to daylight and sunlight, outlook, privacy, private outdoor space, noise and disturbance;
 - whether the proposal would provide adequate living conditions for future occupants, with respect to daylight and sunlight, outlook, private outdoor space, and privacy; and
 - the effect of the proposal on the biodiversity of the appeal site, with particular regard to badgers.

Reasons

Character and Appearance

5. Camp Hill Avenue (the Avenue) is characterised by two storey houses that front on to the road. Although there is some variation in building line, front gardens and drives are generally modest such that houses are clearly visible from the road. Houses are comprised of red brick and white render. Roofs are red or brown tiled and of a traditional design being either hipped, some with front facing gables, or pitched with side facing gables. Therefore, there is a pleasing consistency of form, pattern of development, and traditional house design.
6. Three storey residential accommodation blocks with flat roofs are located beyond the rear of the appeal site on Elmfield Gardens. These can be glimpsed from the Avenue by the appeal site and from its garden. They have a simplicity of form which is enhanced by the symmetry of fenestration on all floors. Due to their elevated position, and intervening vegetation along the rear of the appeal site, these appear separate from the character and appearance of the appeal site and the Avenue.
7. The position of the proposed new dwelling to the rear of the site would limit its visibility from the Avenue, however it would not be entirely hidden from view. It would also be visible from the proposed access drive and neighbouring houses and gardens. Whilst some of these would be private views, in my view the cumulative experience from multiple private vantage points amounts to a legitimate matter of public interest.
8. Although the proposed dwelling would broadly align with the position of Nos 31 and 33 on the Avenue, those houses front directly on to the Avenue and are clearly visible from it. In contrast, the proposal would appear as a tandem development, fronting on to the rear of the appeal site. It would therefore be at odds with the prevailing pattern of development.
9. The use of vertical cladding on the proposed dwelling, as well as being added to parts of the existing house, would help with cohesion of the existing and proposed buildings on the appeal site. However, the use of concrete facing on the proposed new dwelling would appear harsh and entirely at odds with the softer mix of brick and white render on houses along the Avenue. Any consistency of form with the accommodation blocks on Elmfield Gardens would not be readily apparent as they appear distinct from the appeal site context.
10. Given the circumstances particular to this site, I am satisfied that the proposed external alterations to the existing dwelling would not unacceptably harm the character and appearance of the site and its surroundings. However, for the above reasons, the proposed new dwelling would unacceptably harm the character and appearance of the site and surrounding area.
11. Consequently, it would conflict with Policy SWDP 21 of the South Worcestershire Development Plan (2016) (Local Plan) which, amongst other matters, seeks to ensure developments integrate with the character of their surroundings. Further, the proposal would be contrary to paragraph 130 of the National Planning Policy Framework (the Framework) which sets out that development should be sympathetic to local character.
12. It would also be contrary to the South Worcestershire Design Guide Supplementary Planning Document (2018) (the Design Guide) which

encourages developments that reinforce and add to local character (paragraph 4.13.5).

Living Conditions of Neighbouring Occupants

13. The position of the proposed new dwelling on the northern side of the existing house would not unacceptably harm the living conditions of existing occupiers of the appeal site or neighbouring houses, with respect to daylight or sunlight. However, due to its elevated position, the proposed new dwelling would appear imposing and unduly dominant in views from rear facing habitable room windows from the existing house and its rear garden, as well as from neighbouring houses and gardens, such as No 27A. This would be emphasised by the flat roof design and largescale windows on the proposed new dwelling. These would appear contrary to the traditional design and smaller scale windows of houses in the immediate vicinity.
14. The Design Guide indicates that a habitable room normally excludes bathrooms, halls, landings and garages. Therefore, I consider the proposed snug and office/study should reasonably be considered as habitable rooms. These rooms are set back from the closest point of the proposed façade. However, the actual and perceived overlooking for occupants of the existing house and neighbouring house at No 27A would be emphasised by their large scale windows at both ground and first floor level. No robust evidence is before me to the contrary, or to demonstrate that the separation distances would be sufficient to avoid undue harm from lack of privacy.
15. The quantity of outdoor space retained for the existing dwelling would be adequate here. However, the privacy of that space would be unacceptably compromised, with its rear garden overlooked by the proposed new dwelling, and the front garden being overlooked from the Avenue. Moreover, the introduction of a new dwelling and parking area in the rear garden of the existing house would inevitably result in an increase in noise and comings and goings, in stark contrast with the typical use of a residential garden. This would result in unacceptable disturbance for occupants of the existing house and those in the adjoining house and garden at No 27A.
16. Concluding on this main issue, I have found no unacceptable harm to the living conditions of the occupants of the existing house on the appeal site or surrounding houses with respect to daylight or sunlight. Nevertheless, the proposal would unacceptably harm the living conditions of the occupants of the existing house and neighbouring house at No 27A with respect to outlook, privacy, private outdoor space, and noise and disturbance.
17. Consequently, whilst I have found some elements of compliance, overall, it would be contrary to Policy SWDP 21 of the Local Plan. This seeks to ensure developments achieve high quality design, including in respect of privacy and outlook. It would similarly be contrary to paragraph 130 of the Framework which seeks to ensure that developments achieve a high standard of amenity for existing and future users. For similar reasons, it would be contrary to the Design Guide which establishes principles to support delivery of high quality design.

Living Conditions of Future Occupants

18. On the evidence before me, I am satisfied that the proposal would provide acceptable living conditions for its future occupants with respect to daylight and sunlight. The elevated position of the proposed new dwelling would provide an acceptable outlook for its future occupants and the proposal would include sufficient private outdoor space. Nevertheless, the existing house is shown to have bedrooms at first floor level that would enable views into habitable rooms in the proposed dwelling at relatively close range.
19. Therefore, occupants of the proposed dwelling would be provided with acceptable living conditions with respect to daylight and sunlight, outlook, and provision of private outdoor space. However, the proposal would not achieve adequate living conditions for those future occupants with respect to privacy in habitable rooms. As reasoned above, whilst I have found some elements of compliance, overall, it would be contrary to Policy SWDP 21 of the Local Plan and paragraph 130 of the Framework. It would also be contrary to design principles in the Design Guide.

Biodiversity

20. I note the concerns raised in respect of the badger sett and works to clear vegetation on site, which is understood to have taken place prior to submission of the planning application. However, no robust evidence is submitted to indicate that this resulted in any harm to protected species, which in any event would be outside the remit of this appeal. That the site may have been of greater value to biodiversity prior to the vegetation clearance does not alter my assessment of the scheme that is before me.
21. The proposed development retains a landscape corridor and path that would enable badgers to continue to access the sett and surrounding land for foraging. I am satisfied that retention of those areas, along with other biodiversity enhancements to deliver biodiversity net gain, could reasonably be secured by planning condition were I to allow the appeal. I note that Natural England were consulted and also raised no objection.
22. Therefore, the proposed development would accord with Policy SWDP 22 of the Local Plan which seeks to ensure developments enhance biodiversity, including on-site biodiversity corridors. It would also accord with section 15 of the Framework, including paragraph 180, which seeks to ensure opportunities to improve biodiversity are integrated as part of development design.

Other Matters

23. The proposal would provide an additional dwelling within a built up area which would contribute to the supply of housing in Worcester. The proposed dwelling would be located in an area that appears well related to existing services and facilities and could be constructed to high environmental standards. Furthermore, the construction of the dwelling would provide short term benefits to the local and wider economy; and the occupants would be likely to stimulate consumer spending, boost local labour supply and help to support local services, which would all constitute benefits in social and economic terms. However, given the single dwelling proposed, such benefits would be limited.

Conclusion

24. For the reasons given above, and although I have found some compliance, the proposed development would conflict with the development plan as a whole and there are no material considerations that indicate the proposal should be determined other than in accordance with it. The appeal should therefore be dismissed.

Rachel Hall

INSPECTOR