
Appeal Decision

Site visit made on 14 March 2022 by A J Sutton BA (Hons) DipTP MRTPI

Decision by B J Sims BSc (Hons) CEng MICE MRTPI

an Inspector appointed by the Secretary of State

Decision date: 29 March 2022

Appeal Ref: APP/J1860/D/22/3290175

6 Grove Cottage, Westminster Road, Malvern, WR14 4ES

- 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 Bradford Checkley (BK Development Ltd) against the decision of Malvern Hills District Council.
 - The application Ref 21/01511/HP, dated 30 July 2021, was refused by notice dated 1 December 2021.
 - The development proposed is described as 'Proposed Parking Platform & Open Timber Garage.'
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Decision

1. The appeal is dismissed.

Appeal Procedure

2. The site visit was undertaken by an Appeal Planning Officer whose recommendation is set out below and to which the Inspector has had regard before deciding the appeal.

Main Issue

3. The main issue is the effect of the proposal on the character and appearance of the Malvern Wells Conservation Area (CA) in the context of the surrounding Malvern Hills Area of Outstanding Natural Beauty (AONB).

Reasons for the Recommendation

Conservation Area

4. The Malvern Hills CA comprises a distinct area of an elevated settlement, built along the steep incline of the hills. It is part of a town that has considerable historic significance for recreation and as an attractive residential area. The settlement pattern in the CA, forms part of its strong sense of identity, and in addition to this, established trees, woodlands and open spaces positively contribute to its green and leafy character. These combined features make a significant contribution to the special historic quality of the area.
5. The appeal site is an undeveloped parcel of land with a steep gradient bounding the east side of Westminster Road. The immediate area around the site transitions from woodland at its north, with dwellings generally set into the hillside to the west, and the undeveloped sloping land, which the appeal site forms part of, to the east. This eastern boundary of the road mainly comprises a mix of vegetation with low railings visible in some sections. This distinct pattern in the street scene is only broken in the south section of the road by a

dwelling and its parking area. The appeal site as such contributes positively to the locally distinctive pattern of development and green character of this part of the historic townscape.

6. S72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires when determining proposals in conservation areas that special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area. At paragraph 197, the National Planning Policy Framework (the Framework), sets out matters which should be taken into account including sustaining and enhancing the significance of heritage assets and the desirability of new development making a positive contribution to local character and distinctiveness. Paragraph 199 states that, when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation.
7. The proposed low profile, open-fronted garage would be substantially obscured by the woodland when approaching from the north, and wider views of it, beyond Westminster Road, would be limited. However, the two-car width structure would create a significant and incongruous break in the currently undeveloped portion of the hill side which would be visible in the street scene, and this would be at odds with the locally distinct pattern of development in this part of the CA. Despite the use of quality materials and a sedum roof, the uncharacteristic built form would harmfully alter the appearance of the area and the features that contribute to the significance of this part of the historic asset. As a consequence, I find the proposal would neither preserve or enhance the character or appearance of the CA.
8. The harmful effect on the character and appearance of the CA would be limited and localised and the harm that would be caused to the significance of the CA as a whole would be less than substantial. In accordance with the Framework this harm needs to be weighed against the public benefits of the proposal.

Malvern Hills AONB

9. The appeal site is within the Malvern Hills Area of Outstanding Natural Beauty (AONB) and the Framework requires that great weight should be given to conserving and enhancing landscape and scenic beauty of such designations.
10. I note the AONB Unit's comments and the appellant's willingness to change the proposal in light of its advice. However, no revised details have been submitted and I am unable therefore to consider this matter, and it has not been determinative in this appeal for this reason.
11. Far reaching views to and from the hills and the scattered settlements are key features of the landscape and scenic beauty of this AONB. Gardens and boundaries are components of the landscape, which guidance seeks to maintain where they are characteristic of the area. The proposal would break the locally distinct boundary of this plot of land. However, the proposal is limited in scale and the use of natural materials would minimise the adverse impact of the small development on the designated landscape when viewed from a far. The effect of the proposal on the landscape and scenic beauty of the AONB would therefore be extremely limited, and this alone does not warrant dismissal of the appeal.

Benefits

12. The proposed two off-street parking spaces would be a private benefit to the occupants of the No 6, but this could free up on-street parking. I saw that many properties on Westminster Road had no off-street parking facilities, and that given the width, parking spaces are confined to one side of the road. However, whilst parking may be limited, there is no compelling evidence that there is a shortfall of safe parking either for the appellant's personal and business vehicles or the vehicles of other residents. There is also no certainty that the proposal would result in on-street spaces being available to other road users or that these spaces would be more convenient for other residents in the area. For these reasons, limited weight is attached to this small benefit.
13. An electric charging point would be of some benefit, but I have not been provided with certainty that this would be delivered as part of this development. I am not persuaded that this harmful development would be the only means of providing suitable storage for cycles. Moreover, whilst the road is narrow, I observed that two vehicles can pass when unobstructed by parked cars, and I see nothing which would lead me to believe that cars parked on the road present safety issues to utility and delivery vehicles. These matters do not weigh in favour of the proposal for these reasons.

Conclusion on the Main Issue

14. I have found that the proposed development would be harmful to the character and appearance of the area and would fail to preserve or enhance the character or appearance of the Malvern Wells Conservation Area. Whilst less than substantial in terms of the NPPF, in my judgement this harm is not outweighed by such benefits as I have identified. In this respect, the development would conflict with policies SWDP 6, SWDP 21 and SWDP 24 of the South Worcestershire Development Plan. Collectively, these require development to conserve the significance of heritage assets, and expect all development to be of a high design quality which, amongst other matters, to integrate effectively with its surroundings and reinforce local distinctiveness. It would also be inconsistent with heritage and design policies of the Framework.

Other Matters

15. My attention has been drawn to two recent planning permissions. I have no details before me to consider the reasons for these permissions and the present case is for determination on its own individual merits. Moreover, the images show that these permissions are for dwellings and not garages or parking areas, and not directly comparable with this proposal.
16. Parking platforms are not uncommon features in the wider area. However, most of the images show platforms without structures and therefore these examples are not directly comparable. No details are provided with the image of the platform with a garage, but this does not appear to be on Westminster Road. Moreover, the example on the east side of Westminster Road, south of the appeal site, is associated with the dwelling which is also positioned on this side of the road. The pattern of development at this part of the road is therefore distinctly different to that subject to this proposal. Limited weight is attached to these examples for these reasons.

17. The support from the Parish Council is noted but this alone would not justify development which would be harmful to the CA.

Conclusion and Recommendation

18. There are no material considerations that indicate the proposal should be determined other than in accordance with the development plan. For the reasons given above, I therefore recommend that the appeal be dismissed.

A J Sutton

APPEAL PLANNING OFFICER

Inspector's Decision

19. I have considered all the submitted evidence and the Appeal Planning Officer's report and on that basis the appeal is dismissed.

B J Sims

INSPECTOR