



Appeal Decision

Site visit made on 25 February 2022

by Lewis Condé BSc (Hons), MSc, MRTPI

an Inspector appointed by the Secretary of State

Decision date: Friday 22 April 2022

Appeal Ref: APP/D1835/W/21/3287003

8 Dove Close, Worcester, WR4 9EA

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a failure to give notice within the prescribed period of a decision on an application for planning permission
 - The appeal is made by Rob Claude against Worcester City Council.
 - The application Ref 21/00267/FUL is dated 15 February 2021.
 - The development proposed is described as a 'new dormer bungalow'.
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Decision

1. The appeal is allowed and planning permission is granted for a new dormer bungalow at 8 Dove Close, Worcester WR4 9EA in accordance with the terms of the application, Ref 21/00267/FUL, dated 15 February 2021, subject to the conditions in the attached schedule.

Preliminary Matters

2. The Council issued a decision notice (dated 13 December 2022) setting out its reason for refusal of planning permission, while an accompanying officer report was also provided. However, this was after the appeal against non-determination was submitted and the Council no longer had jurisdiction to determine the application. I have nevertheless used its decision notice and report to inform the main issue of the appeal.

Main Issue

3. The main issue is whether the development would be in a suitable location, with particular regard to the site's local designation as a 'Green Space'.

Reasons

4. 8 Dove Close is an end of terrace dwelling, located within a small cul-de-sac containing several short rows of terrace properties that share a general consistency in overall scale and form.
5. The appeal site is located immediately to the east of 8 Dove Close and forms part of its residential curtilage. The site's boundaries consist of close boarded fencing approximately 1.8m in height, while the land is being used to store a range of residential paraphernalia, including a small number of domestic outbuildings. The site is covered in hardstanding and contains almost no vegetation except for some very small, sporadic patches of grass and weeds. I understand from evidence provided by the appellant, that the site has been in this condition for several years.

6. Ronkswood Hill Meadows Local Nature Reserve (LNR) lies immediately adjacent to the site. However, the character of the appeal site relates more closely with the surrounding residential built form, due to its current use and condition.
7. The site is locally designated as a 'Green Space' within the adopted South Worcestershire Development Plan (SWDP) 2016, alongside the adjacent sizeable LNR. SWDP Policy 38 seeks to protect, both private and public, designated Green Spaces from development. Various exceptions criteria are listed under the policy, however, none are applicable to the proposed development. Consequently, the appeal scheme conflicts with SWDP Policy 38.
8. However, it is relevant to consider the purpose of the policy and the particular circumstances of the appeal site. The supporting text to Policy 38 sets out how well-designed, attractive, and functional open space is an essential component for a high-quality of life, hence the need for protection. The supporting text further goes on to discuss the valuable functions that the Green Spaces offer in terms of contributing to biodiversity, the character of the area and providing a sense of openness and space.
9. The appeal site does not align with the characteristics or functions that Policy 38 is seeking to protect. Instead, it is an enclosed area of private residential land, covered in hardstanding, that is being used to store outbuildings, building materials, vehicles/trailers and other assorted items. Due to its enclosed nature, its function, and condition, it is not an open nor an attractive space and it does not appear to positively contribute to the character of the area.
10. The proposed new building would cover land that is technically considered Green Space. However, it is of a generally similar footprint as the appellant's realistic fallback position of developing a detached garage at the site. Additionally, the proposal would replace an existing range of sheds/outbuildings.
11. The overall scale, form and siting of the proposed bungalow is deemed appropriate for the scale of the site and the wider residential context. The submission documents illustrate that the dwelling would be set amongst a significant extent of soft landscaping. Therefore, subject to appropriate landscaping conditions, the development offers the opportunity to provide a more visually pleasing use of the land that would be more reflective of its Green Space designation.
12. Despite its location adjacent to the LNR, the site appears to have very little biodiversity value, and no compelling evidence has been provided to suggest otherwise. The proposed development is therefore unlikely to cause harm to biodiversity. Indeed, landscaping associated with the development appears to offer the potential to enhance the site's biodiversity credentials.
13. Other than the conflict with SWDP Policy 38, the development is within a suitable location for housing having regard to the LPA's wider spatial strategy. Its location within Worcester offers the site good access to a range of facilities, services, and transport options.
14. The proposed development would also provide socio-economic benefits, including the provision of a new dwelling and construction work associated with it. These benefits will be limited given the scale and nature of the proposal.

Nevertheless, I still consider these to weigh in favour of the scheme, particularly due to the proposal's general lack of harm.

15. To conclude, the development conflicts with SWDP Policy 38, that seeks to prevent the development of designated Green Spaces unless, specific, exceptional circumstances are demonstrated. However, due to the existing condition and character of the site, the proposed development would not result in a harmful impact on the designated Green Space. The appeal proposal would also not have a significantly greater impact on the character of the site than the potential fallback position of a garage development. Indeed, the proposal alongside its associated landscaping is likely to result in visual and biodiversity improvements, compared to the current and fallback positions. In addition, the appeal scheme would provide some socio-economic benefits associated with the delivery of a new dwelling. Consequently, despite the conflict with the development plan, the material considerations specific to this appeal scheme indicate that the development should be approved.

Other Matters

16. The LPA has identified that it can demonstrate a 5-year housing land supply (5YHLS) and that this supports its reason for refusal. The LPA's 5YHLS is not contested and I have therefore not engaged Paragraph 11 of the Framework in my decision-making process. Nevertheless, for reasons outlined above I have found the appeal scheme to be acceptable.
17. The LPA officer's report indicates that the proposed dormer bungalow would be wholly incongruous with the existing character of the streetscene in Dove Close. It was therefore stated as being contrary to the aims of SWDP Policy 21, which relates to design matters. However, impact on the character and appearance of the area, including a failure to comply with SWDP Policy 21, was not stated as a reason for refusal on the decision notice that the LPA produced.
18. Whilst Dove Close is formed of a consistent style of terraced properties, I am satisfied that the introduction of the proposed dormer bungalow will not cause harm to the character or appearance of the streetscene or wider area. This is because of the discrete location of the proposals, its overall scale, siting, use of materials and the existing site context. Consequently, the proposed development satisfies the relevant requirements of SWDP Policy 21.

Conditions

19. The Council has recommended a range of conditions, which the appellant has commented upon. I have considered the suggested conditions and amended and reordered them as necessary in the interests of precision and clarity, as well as to comply with advice in the Planning Practice Guidance.
20. A condition is needed to secure compliance with the approved plans and documents, for the avoidance of doubt and in the interests of proper planning. A condition requiring the approved parking and cycles spaces be provided and retained is necessary to ensure their provision in the interest of highway safety, and to promote appropriate facilities on site in line with SWDP Policy 21 (Design).
21. Although not suggested by the Local Planning Authority, the appellant has highlighted a willingness for landscaping at the site to be secured by way of planning conditions. I have therefore attached relevant conditions relating to

the provision of the specific details of soft landscaping and timings for its delivery. Such conditions are necessary to ensure certainty of delivery and in the interests of biodiversity, as well as the character and appearance of the development.

22. The appeal site is in Flood Zone 1. Although part of the site lies within an area deemed to be at high risk of surface water flooding, it is already almost entirely covered by hardstanding and in use as residential curtilage. The proposed development would therefore not worsen the drainage characteristics of the site, indeed they are likely to be improved through the landscaping areas providing increased areas of permeability. Consequently, the LPA's suggested drainage conditions are not deemed to be necessary or reasonable.
23. The LPA also requested a condition be imposed that requires a vehicle crossover to be installed in line with details to be submitted and approved by the LPA. However, I do not consider this necessary given that the site already has an existing vehicular access that is proposed to be utilised by the development.

Conclusion

24. For the reasons outlined above and having regard to the development plan, and all other material considerations, the appeal is allowed and planning permission is granted.

Lewis Condé

INSPECTOR

Schedule of Conditions

- 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
- 2) The development hereby permitted shall be carried out and completed in accordance with the following approved plans and associated documents and the specifications and recommendations contained therein, except where otherwise stipulated by conditions attached to this permission:
 - 2013-02A
 - Design and Access Statement (received 24/03/2021)
 - Water Management Statement (received 15/03/2021)
 - Energy Statement (received 24/03/2021)
- 3) The development hereby approved shall not be occupied until the access, turning area and parking facilities including cycle parking shown on Drawing No. 2013-02A have been properly provided. These areas shall thereafter be retained and kept available for their respective approved uses at all times.
- 4) Prior to the first occupation of the new dwelling details of the soft landscaping works shall have been submitted to and approved in writing by the local planning authority. The submitted details shall include planting plans, written specifications (including cultivation and other operations associated with plant and grass establishment); schedules of plants noting species, plant supply sizes and proposed numbers/densities.
- 5) All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of the buildings or the completion of the development, whichever is the sooner; and any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.

End of Conditions