



Appeal Decision

Site visit made on 5 April 2022

by Bhupinder Thandi BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 11 May 2022

Appeal Ref: APP/H1840/W/21/3288170

Land adjacent to Rose and Croft Cottages, Holt Fleet Lane, Holt WR6 6NW

- 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 D Warren of Warren Developments against the decision of Wychavon District Council.
 - The application Ref 21/01632/FUL, dated 30 June 2021, was refused by notice dated 28 October 2021.
 - The development proposed is the construction of 3no live-work units.
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Decision

1. The appeal is allowed and planning permission is granted for the construction of 3no live-work units at land adjacent to Rose and Croft Cottages, Holt Fleet Lane, Holt WR6 6NW in accordance with the application, Ref 21/01632/FUL, dated 30 June 2021, subject to the conditions in the schedule to this Decision.

Procedural Matters

2. I have used the description of the proposal from the Council's decision notice. It adequately and simply describes it instead of the much longer and detailed description given on the application form.
3. I have been made aware of the planning history for the site which includes planning permission granted by the Council for two live-work units.

Main Issues

4. The main issues are:
 - The effect of the proposed development upon the character and appearance of the area;
 - The quality of the live/ work accommodation; and
 - The effect of the proposed development upon the safe and efficient operation of the local highway network.

Reasons

Character and appearance

5. The appeal site comprises a broadly rectangular parcel of land located on Holt Fleet Lane. Neighbouring the site are two modern detached dwellings nearing completion and at the junction of A4133 and Holt Fleet Lane are older dwellings that differ in terms of scale, height and design. The wider area displays variety

in terms of property design, roof forms, heights, plot sizes and distances between buildings.

6. I acknowledge the concerns of the Council that the proposed development would be taller than nearby cottages. However, this juxtaposition and contrast in the height and form of buildings is a noticeable feature of the area. Furthermore, I find that the overall height of the proposed development would be sympathetic to the scale of buildings locally.
7. The proposed development would sit comfortably between the older cottages and the modern properties neighbouring the site successfully integrating into the area. Whilst the proposed development would be taller the visual impact would be limited due to the siting of the units deeper into the site.
8. Whilst the units would be positioned closer to one another compared to some dwellings in the area and would include frontage parking this arrangement would not be harmful to the character and appearance of the area given the local design variety.
9. Taking the above into account the overall layout, height of the proposed units and the spacing between them would not result in a cramped or overly urban development that would be unduly harmful to the area. In my view it would create a compact but interesting contemporary streetscape along this section of Holt Fleet Lane through its appearance, form and layout.
10. As such, I conclude that the proposed development would not adversely affect the character and appearance of the area. It would accord with Policy SWDP21 of the South Worcestershire Development Plan (2016) (SWDP) and Policy TOAD9 of the Omberlsley and Doverdale Neighbourhood Plan (2021) (NP) which, amongst other things, require all development to be of a high-quality design, to complement the character of the area, in particular surrounding buildings and the distinctive features or qualities that contribute to the visual and heritage interest of the townscape, frontages, streets and landscape quality of the local area and development proposals to take account of the character of the surrounding built environment.
11. It would also accord with the National Planning Policy Framework (the Framework) which, amongst other things, requires developments to function well and add to the overall quality of the area.

Quality of the live/work units

12. Policy SWDP 8 supports economic growth in the area. Part G relates to proposals for live/ work accommodation and sets out a number of criteria including part iii which sets out that residential and work spaces are to be entirely separate with separate entrances and toilet facilities.
13. The access into the proposed units would be via a shared lobby with the living accommodation on ground floor and the office accommodation on the first floor. The proposed development does not provide separate external entrances, however, it is evident that the living and work spaces are distinct from one another occupying different floors. In my view there is clear physical delineation between the living and work spaces and both would benefit from their own facilities.

14. I note the Council's comments regarding the percentage split between the living and work spaces, but the proposed access arrangement would not undermine the quantum or quality of the accommodation proposed. As proposed it would be a suitable development that would support small and start-up businesses and economic growth in the area.
15. Whilst there would be some minor conflict with Policy SWDP 8, it would not conflict with the SWDP when read as a whole and its sustainable development principles.

Highway safety

16. Holt Fleet Lane is a single width lane with a grass verge along one side that serves a number of properties including dwellings, caravan parks and a farm.
17. The Council contend that visibility at the junction of Holt Fleet Lane and A4133 is restricted and the geometry at the junction is substandard. Whilst I acknowledge this point, I have not been provided with any substantive evidence to demonstrate that this has resulted in conditions that are unsafe or road traffic accidents.
18. Whilst there are no passing places along the lane, given the width of the road and the proximity of the site to the junction with the A4133 vehicle speeds along it are likely to be low. Given the short road frontage of the site and the low speed of traffic using the road it is unlikely that users would be unduly inconvenienced or endangered by the lack of a passing point.
19. Notwithstanding the comments regarding overflow parking, I am satisfied that the proposed development provides sufficient onsite parking for residents and visitors. Even if there were to be parking taking place in the turning areas based on the evidence before me, I am satisfied that vehicles would be able to manoeuvre within the site and exit in forward gear. Whilst new accesses would be formed adequate visibility and satisfactory views could be obtained in both directions. As such, it is unlikely that the parking and turning arrangements would result in conditions that would prejudice highway safety.
20. Paragraph 111 of the Framework advises that development proposals should only be prevented or refused on highway grounds if there would be an unacceptable impact on highway safety, or the residual cumulative effects on the road network would be severe.
21. There is an extant permission for two live work units and based on the evidence before me I am not persuaded that one additional unit would tip the balance resulting in an unacceptable impact on highway safety or that the cumulative effect on the road network would be severe.
22. Based on my observations and in the absence of any convincing evidence to the contrary I conclude that the proposed development would not result in harm to highway safety. Therefore, there would be no conflict with SWDP Policies SWDP 4 and 21 and NP Policy TOAD9 which, amongst other things, seek high quality design and satisfactory access and developments to be capable of being safely accessed from the local road network without undue local environmental impacts which cannot be mitigated. It would also accord with the aims and objectives of the Framework.

Conditions

23. I have considered the imposition of conditions in accordance with the Framework and Planning Practice Guidance.
24. In addition to the standard time three-year limit condition for implementation; it is necessary to specify the approved plans in the interests of certainty. Conditions relating to occupation and use of the units; external materials, hard and soft landscaping and levels have been imposed to ensure a satisfactory development.
25. Conditions for surface water and foul water drainage measures; a requirement for at least 10% of the energy supply of the development to be from renewable or low carbon energy sources; details of electric vehicle charging points and for the development to be carried out in accordance with the submitted Water Management Statement have been imposed in the interests of achieving sustainable development.
26. A condition relating to broadband is necessary in the interests of sustainability and to ensure residents have access to modern technology including to support their business.
27. Conditions relating to the access, turning areas, visibility splays and cycle storage are relevant in the interests of highway safety and sustainability.

Conclusion

28. For the reasons set out above the appeal succeeds.

B Thandi

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 in accordance with the following approved plans: Location Plan Drawing Number 2106 01; Block Plan Drawing Number 2106 02; Existing Site Plan Drawing Number 2106 05; Proposed Site Plan Drawing Number 2106 09 Rev D; Proposed Plans Drawing Number 2106 10 Rev D and Proposed Elevations Drawing Number 2106 11 Rev D.
3. Before the commencement of development hereby permitted, details of renewable and/or low carbon energy generation measures shall be submitted to and approved in writing by the Local Planning Authority. The measures shall contribute to at least 10% of the predicted energy requirements of the development.
4. No above-ground building operations hereby permitted shall commence until details of existing and proposed site and floor levels have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with these approved details.
5. No above-ground building operations hereby permitted shall commence until details of the materials to be used in the construction of the external surfaces of the buildings have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out using the materials as approved.
6. No above-ground building operations hereby permitted shall commence until a scheme of soft landscaping has been submitted to and approved in writing by the Local Planning Authority. All planting and seeding/turfing shall be carried out in accordance with the approved details in the first planting and seeding/turfing seasons following the completion or first occupation of the development, whichever is the sooner. The planting shall be maintained in accordance with the approved schedule of maintenance. Any trees or plants which, within a period of five years from the completion of the planting, die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.
7. The development hereby permitted shall not be occupied until a scheme of hard landscaping including all hard surfacing and enclosures has been implemented in accordance with details submitted to and approved in writing by the Local Planning Authority. The approved hard landscaping of the site shall be retained thereafter.
8. The development hereby permitted shall not be occupied until measures for the disposal of surface water and foul drainage to serve the development have been installed in accordance with details that have been submitted to and approved in writing by the Local Planning Authority. The approved drainage measures shall be retained thereafter.

9. Prior to the first use/occupation of the development hereby permitted, the details set out in the submitted Water Management Statement dated 30 June 2021 shall be fully implemented and remain thereafter.
- 10.(1) The work element floorspace of the live/work units hereby permitted shall be finished ready for occupation before the residential floorspace is occupied and the residential use shall not precede commencement of the business use.
(2) The business floorspace of the live/work unit shall not be used for the sale of goods to visiting members of the public and shall not be used for any purpose which if assessed in its own right would fall outside of Use Class E.(g) as defined under the Town and Country Planning (Use Classes) Order 1987 (as amended), or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification.
(3) The residential floorspace of the live/work unit shall not be occupied other than by a person solely or mainly employed, or last employed in the business occupying the business floorspace of the associated unit, a widow or widower of such a person, or any resident dependants.
11. The live/work units hereby permitted shall not be occupied until superfast broadband facilities have been provided.
12. The development hereby approved shall not be occupied until the first 5 metres of the access into the development, measured from the edge of the carriageway, has been surfaced in a bound material and drained so that no surface water run-off reaches the public highway.
13. The development hereby approved shall not be brought into use until the access, turning area and parking facilities shown on Proposed Site Plan Drawing Number 2106 09 Rev D have been provided. These areas shall thereafter be retained and kept available for these respective approved uses at all times.
14. The development hereby approved shall not be brought into use until visibility splays are provided from a point 0.6m above ground level at the centre of the access to the application site and 2.4 metres back from the near side edge of the adjoining carriageway, (measured perpendicularly), for a distance of 33 metres in each direction measured along the nearside edge of the adjoining carriageway. Nothing shall be planted, erected and/or allowed to grow on the triangular area of land so formed which would obstruct the visibility described above.
15. The development hereby permitted shall not be occupied until sheltered, secure and accessible cycle parking to comply with the County Council's adopted highway design guide has been provided in accordance with details which shall first be submitted to and approved in writing by the local planning authority and thereafter the approved cycle parking shall be kept available for the parking of bicycles only.
16. The development hereby permitted shall not be first occupied until the proposed dwelling has been fitted with an electric vehicle charging point. The charging points shall comply with BS EN 62196 Mode 3 or 4 charging and BS

EN 61851 and the Worcestershire County Council Streetscape Design Guide. The electric vehicle charging points shall be retained for the lifetime of the development unless they need to be replaced in which case the replacement charging point(s) shall be of the same specification or a higher specification in terms of charging performance.