



Appeal Decision

Site visit made on 5 April 2022

by Laura Cuthbert BA(Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: Monday 23 May 2022

Appeal Ref: APP/J1860/W/21/3288496

Hillbrook House, 62 Albert Road North, Malvern WR14 2TL

- 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 Paul Brooks (Premier Building Ventures Ltd) against the decision of Malvern Hills District Council.
 - The application Ref 21/01574/FUL, dated 19 August 2021, was refused by notice dated 9 November 2021.
 - The development is described as “conversion of first floor of garage to 1 bed apartment”.
-

Decision

1. The appeal is dismissed.

Procedural Matters

2. In the banner heading above, I have taken the description of development from the Council’s decision notice and the appellant’s appeal form as this more accurately describes the appeal development.
3. The main parties have set out the relevant planning history related to the site, which includes 2 previous appeal decisions¹. Both appeals relate to the use of the first floor of the garage for residential purposes, either as a permanent residential unit or as a holiday let, and both appeals were dismissed. I have had regard to these appeal decisions insofar as they are relevant to the development before me.
4. It was evident from my site visit that some conversion works have been partly implemented but not yet completed. I note that the previous Inspectors noted the same. Due to the evolution of the scheme, there are some differences between what has been implemented on site and what is shown on the submitted drawing. I have therefore determined the appeal on the basis of the drawing titled ‘Proposed Elevation and Floor Plan HB1’.

Main Issues

5. The main issues are whether the development would preserve or enhance the character or appearance of the Great Malvern Conservation Area and whether the development would provide acceptable living conditions for future occupants, having particular regard to low eaves height and outlook.

¹ APP/J1860/W/20/3248459 and APP/J1860/W/21/3272466

Reasons

Effect on Conservation Area

6. Hillbrook House is a large detached Victorian building, which has been converted to form flats, situated within the Great Malvern Conservation Area (CA). Whilst the CA covers a relatively large area, the architectural interest provided by the Victorian properties and their relatively large plots, of which Hillbrook House is an example, are a characteristic of the towns development through the Victorian Period. These aspects of the CA contribute to its significance. The architectural integrity and setting of Hillbrook House have been retained post conversion and it continues to contribute positively to the character and appearance of the CA.
7. The 3 bay garage which the appeal development relates to is situated to the side of the main building and is read as an ancillary structure to Hillbrook House, in both its scale and simplistic design. The garage, though set back from the frontage of Hillbrook House, is clearly visible from public vantage points outside of the site, within the wider CA, especially the front elevation and the front roof slope. I note a previous Inspector came to the same conclusion².
8. The introduction of the window below the soffit on the front elevation would result in an uncomfortable arrangement with the rooflight immediately above it. The window would be squeezed in between the soffit and the stone lintel above the garage door and this awkward juxtaposition adds complexity to what should be a simple, secondary outbuilding on the site. The rooflights on the front roof slope would, on their own, preserve the character and appearance of the CA, due to their acceptable size, positioning and 'conservation' style. However, when the rooflights are viewed together with the window below the soffit, the development would result in a disproportionate amount of glazing to the front elevation and roof slope of the garage. Therefore, the development would be harmful and fail to preserve the character and appearance of the CA.
9. The development also involves a glazed door within a dormer doorway and staircase to the southern side elevation, and 3 rooflights to the rear elevation. As a result of the appropriate design and positioning of these elements of the development, they would preserve the character and appearance of the CA. I also note the Council raised no objections in this regard.
10. The appellant states that the application was submitted after feedback from the Council's Conservation Officer, and I acknowledge that the Conservation Officer did not object to larger rooflights in principle but caveated this by stating that this would depend on the size and type of rooflight proposed. However, most notably, the Conservation Officer did not comment on the new window below the soffit.
11. When determining the most recent appeal³, the Inspector did not raise any issues with regards to the visual appearance of the proposal and its effect on the CA. The appellant argues that there are only minor differences between the most recent appeal proposal and the development before me so a different conclusion on visual appearance should not be made. However, I do not

² APP/J1860/W/20/3248459

³ APP/J1860/W/21/3272466

consider that the new window below the soffit represents a minor difference and I have therefore reached a different conclusion to the previous Inspector.

12. I also note the appellant's comments regarding the changes to the CA over recent years. The CA is a designated heritage asset, the significance of which I have described above. Though the CA has experienced some degree of change, this does not diminish its overall significance such that it justifies the development which would be harmful to the CA.
13. Therefore, in view of the above, the development fails to preserve the character and appearance of the CA. The harm to the significance of the CA that would result from the development would be less than substantial. I have attached considerable importance and weight to the desirability of avoiding any such harmful effect on the CA in accordance with Section 72 (1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the Act). Paragraph 202 of the National Planning Policy Framework (the Framework) states that where a proposal would lead to less than substantial harm to the significance of a heritage asset, this harm should be weighed against the public benefits of the proposal.
14. The development would provide a one bedroomed residential unit in an accessible location, with local facilities and services reachable by means other than the private car. I also note the appellant's allegation that the Council are currently unable to demonstrate a five year supply of deliverable housing sites and the findings of previous appeal decisions on this matter⁴. However, whilst the development would provide some moderate economic and social benefits associated with the provision of an additional residential unit, any public benefits of the development would not be significant enough to outweigh the harm identified.
15. Taking the above matters in to consideration, I conclude that the development would fail to preserve the character and appearance of the CA and would not meet the requirements of Section 72 of the Act. For the same reasons, it would be contrary to policies SWDP6, SWDP21, and SWDP24 of the South Worcestershire Development Plan (SWDP) (adopted February 2016) which require development proposals, amongst other things, to conserve and enhance heritage assets, in accordance with the Framework, and to be of a high design quality. It would also conflict with Policy MD1 of the Malvern Town Neighbourhood Plan which requires development to achieve high quality inclusive design.

Living Conditions

16. The main differences between the most recent appeal and the development before me are the larger rooflights to the front and the new window below the soffit. I do not consider that the rooms all having low eaves and sloping ceilings would, in itself, render the development unacceptable as it appears from the evidence before me that the development would achieve adequate head room and internal floor space. However, as a result of the predominance of sloping ceilings, the apartment would still rely on rooflights for outlook and the larger rooflights forming part of this development would not significantly improve the

⁴ APP/J1860/W/19/3242098 and APP/J1860/W/21/3267054

outlook for future occupants. Outlook would remain restricted to an unacceptable degree. The introduction of the window below the soffit, due to its positioning at floor level, would also not offer much by the way of outlook.

17. Therefore, I conclude that, whilst I do not consider the low eaves height to be harmful, the development would fail to provide acceptable living conditions for future occupants, with respect to outlook. The development would conflict with one of the objectives of Policy SWDP21 of the SWDP which states that development should provide an adequate level of outlook. It would also conflict with paragraph 130 (f) of the Framework which states that development should have a high standard of amenity for future users.

Other Matters

18. I acknowledge that the previous Inspector⁵ stated that 'larger velux windows may improve the light and outlook for the proposal'. However, they did also state that they may not be acceptable in other respects. In any event, whilst the previous Inspector's comments may have guided the revised development, I have found that the outlook of the development, despite the larger rooflights, would still be at an unacceptable level.
19. The appellant submitted the application following pre-application advice from the Council's Conservation Officer. However, the Council is not bound by these comments, and as I have already acknowledged, the Conservation Officer did not comment on the development as a whole.

Conclusion

20. The development conflicts with the development plan as a whole. There are no material considerations worthy of sufficient weight that would indicate a decision otherwise than in accordance with it. The appeal is therefore dismissed.

Laura Cuthbert

INSPECTOR

⁵ APP/J1860/W/21/3272466