



Appeal Decision

Site visit made on 26 July 2022

by Samuel Watson BA (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 18th August 2022

Appeal Ref: APP/D1835/W/22/3296150

Land at 35 Diglis Road, Worcester WR5 3BW

- 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 Dallas Wylde Homes against the decision of Worcester City Council.
 - The application Ref 21/00689/FUL, dated 19 July 2021, was refused by notice dated 14 February 2022.
 - The development proposed is the erection of detached dwelling and additional parking.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are; (i) the effect of the proposal on highway safety, and (ii) the quality of the living conditions provided for future occupiers.

Reasons

3. The appeal site is a sloping plot that is raised above, and accessed from, Diglis Road. The proposed dwelling would be cut into the site so that it would be at the same level as the road, the proposal would also increase the height of parts of the boundary wall along the front of the site and enlarge the existing parking area.

Highway Safety

4. The appeal site is close to a significant bend in Diglis Road which, due to buildings and land levels, it is not possible to see around. The appeal site contains an existing area for parking which serves two cars, this is located at the far end of the site from the bend. The proposal would include the enlargement of this area, towards the bend, to provide two additional parking spaces. I understand that the speed limit along this portion of Diglis Road is 30mph.
5. During my observations on site, I found the existing parking area to have a relatively poor level of visibility for vehicles leaving the site due to the existing walls and land levels either side of the parking area. The proposal would widen this area and set back part of the wall in front of the proposed dwelling, and I find that these features would improve intervisibility for the existing parking, in the direction of the bend.
6. However, as the proposed parking spaces would be located in close proximity to the proposed 2 metre high front wall, I find that the improvements to

intervisibility would not benefit these spaces, even taking into account the proposed re-orientation of wall. Instead, the proposed parking, particularly space 2B, would be afforded a poor level of intervisibility due to the close proximity to the bend and the intervening development. Therefore, even with the relatively low speed limit on the road, there is a high likelihood of conflict between vehicles leaving the site and those traveling around the bend towards it.

7. In light of the above, I find that the proposed development, by way of the siting of the additional parking, would result in an unacceptable impact on highway safety. It would therefore conflict with Policies SWDP21 and SWDP4 which require that proposals provide safe access to the highway for vehicular traffic and address any road safety issues. The proposal would also conflict with Paragraph 111 of the National Planning Policy Framework (the Framework) which seeks to support proposals, on highway grounds, unless they result in an unacceptable impact on highway safety.

Living Conditions

8. Whilst I note that the proposal would include the erection of a 2 meter high boundary wall along the front of the site, it is clear from the plans before me that the wall in front of the front-facing bedroom window would be set lower. As a result, I find that the outlook from this window would be similar to that of other properties along the street and, would not be unduly enclosed. Likewise, I find that the room would be served by a good level of natural light.
9. It is likely, due to the window's positioning, that there would be a potential for noise disturbance to affect future occupiers using the front bedroom. However, I do not find that this would be particularly exacerbated by the bedroom being on the ground floor rather than an upper floor and so, any impact is likely to be typical of a front-facing bedroom in built-up, urban areas.
10. Therefore, the proposed dwelling would not provide an unacceptable standard of living conditions for future occupiers and would comply with Policy SWDP21 of the South Worcestershire Development Plan (the SWDP, February 2016) which requires, amongst other matters, that developments provide an adequate level of outlook, sunlight and daylight.

Planning Balance and Conclusion

11. The Government's objective is to significantly boost the supply of housing and the proposal would provide one new dwelling in a location with adequate access to services. It would also lead to a small and time-limited economic benefit during the construction phase, as well as some limited social and economic benefits resulting from future occupiers. Given the small scale of the proposal these matters would at most attract moderate weight.
12. Whilst the proposal may not result in any harm to living conditions or character and appearance, this lack of harm is not a benefit in itself. I therefore attach this neutral weight in my consideration.
13. Conversely, the proposal would result in harm to the highway safety around the site, in conflict with the development plan taken as a whole. This attracts significant weight and outweighs the benefits associated with the proposed development.

14. The proposal would therefore conflict with the development plan and there are no other considerations, including the Framework, that outweigh this conflict. Therefore, for the reasons outlined above, I conclude that the appeal should be dismissed.

Samuel Watson

INSPECTOR