



Appeal Decision

Site visit made on 4 January 2023

by S A Hanson BA(Hons) BTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 8 February 2023

Appeal Ref: APP/D1835/D/22/3295621

7 Cove Gardens, Worcester WR3 7DJ

- 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 & Mrs D Phillips against the decision of Worcester City Council.
 - The application Ref 21/00295/HP, dated 22 March 2021, was refused by notice dated 31 January 2022.
 - The development proposed is described as garage extension front and side, bedroom extension to rear.
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Decision

1. The appeal is dismissed insofar as it relates to the front single storey garage extension and planning permission is refused. The appeal is allowed insofar as it relates to the side garage extension and the first floor rear extension, and planning permission is granted in accordance with the terms of the application, Ref 21/00295/HP, dated 22 March 2021, and the plans submitted with it so far as relevant to that part of the development hereby permitted and the conditions attached at Schedule 1.

Preliminary Matters

2. The council's decision notice describes the proposed works as a front single storey garage extension, side garage extension and first floor rear extension. As this more accurately describes the proposal than that stated on the application form and noted above in the banner heading, I shall determine the appeal on this basis.
3. An enforcement notice was issued on 19 April 2022 for an alleged breach of planning control. The matters referred to are the construction of the canopy structure adjoining the garage to the rear and a single storey extension to the porch. These are the subject of a separate appeal decision with the references APP/D1835/C/22/3299212 and APP/D1835/C/22/3299226.

Main Issues

4. The main issues are the effect of the development proposal on: the character and appearance of the host property and its surroundings, including the setting of the Riverside Conservation Area (RCA); and the living conditions of the occupiers of neighbouring properties.

Reasons

Character and appearance

5. The appeal site is situated in an established residential area. Cove Gardens is 'no-through' estate road which features nine detached dwellings positioned close together. The two-storey property is of brick and render construction with a tiled pitched roof and a double gabled façade and rear elevation. The property has similar design features to neighbouring properties within the road although there is some variety in size and detailing. To the rear there is a small garden immediately adjoining the house and, divided by a tarmacked public right of way (PROW), a larger garden which slopes down towards the banks of the River Severn along which runs another PROW. The tarmacked footpath which separates the property's private open space is at a lower level to the rear garden. A high level brick wall defines the boundary.
6. The property is partially located within the RCA which incorporates the River Severn and land and properties either side. The RCA boundary runs along the edge of the rear garden adjacent to the house incorporating the tarmacked PROW and the separate sloping garden. The house and garage are not within the confines of the RCA. The significance of this section of the RCA is derived in part from open spaces within the Severn's flood plain, fringed with built development diverse in style and development pattern with the juxtaposition of different materials, forms and uses being part of that which gives the Riverside townscape its character. Having regard to my duty under s72 of the Planning (Listed Buildings and Conservation Areas) Act 1990, special attention shall be paid to the desirability of preserving or enhancing the character or appearance of the RCA.
7. There are views of the rear of the appeal property from public vantage points within the RCA. Close up from the PROW immediately to the rear of the property and from the river and its banks where the PROW is at a much lower level. While those views are possible only from a limited part of the CA, they are nonetheless a positive component of it, and contribute to its significance.
8. The garage, which has a steep pitched roof, is attached to the side of the house. It is staggered so that it extends beyond the rear elevation of the house and its front is set back from the front wall of the house. The proposal seeks to extend to the inner side of the garage at the rear of the house. This would be a modest addition of an appropriate design which would complement the property and would have a very limited effect on its surroundings.
9. The proposed first floor addition above the existing rear extension would provide a symmetry to this elevation. The design and materials replicate the existing façade and would replace a flat roof addition that fails to complement the visually pleasant rear elevations of the appeal property and its neighbour. The proposed first floor addition would extend beyond that of the adjoining gable but would retain the form of the rear of these houses which I consider to be an important feature. While it is evident that the area to the rear of the house is restricted, the floor area is already covered by the single storey build. Adding another floor above would increase the volume but this would not appear disproportion in this urban environment where there is substantial built form within close proximity.

10. As proposed, the extension would not have an adverse visual impact or harm the appearance of the host dwelling or the character of its setting within the area's established pattern of development. I also consider that the proposal would have a neutral impact on the character and appearance of the setting of the adjacent RCA and therefore not cause harm to its significance as a whole. Accordingly, I consider that the rear first floor extension and the extension to the side of the garage would conserve those elements of the setting that make a positive contribution to the significance of the RCA and would comply with Policy SWDP 6 and Policy SWDP 24 of the South Worcestershire Development Plan (February 2016) (SWDP) which seek to conserve and enhance heritage assets, including their setting.
11. To the front, the proposed addition to the garage would extend the building further forward in line with the existing low level boundary wall. This extension to the front of the garage would be obscured from views from within the RCA and thus I consider it not to impact upon its setting. However, the proposed garage extension when viewed from the front of the property would be seen as a bulky addition to the side of the house which would be disproportionate in size. As the property is set on the road frontage it is exposed and open to extended views. The garage as existing is of an appropriate size and construction for its purpose. Being set back, it extends beyond the rear of the property. Extending to the front would lengthen the garage making it appear visibly awkward, detracting from the pleasing double gabled façade of the host dwelling and the street scene. The extension to the front of the garage as proposed would have a negative impact on the character and appearance of the dwelling and its immediate surroundings.
12. Consequently, I find that the extension to the front of the garage would conflict with Policy SWDP 21 of the SWDP. The generic design principles of Policy SWDP 21 require that all development should integrate effectively with its surroundings and that development proposals should complement the character of the area, responding to surrounding buildings and the distinctive qualities that contribute to the visual and heritage interest of the townscape, streets and quality of the local area and states that the scale, height and massing of development must be appropriate to the setting of the site. This is consistent with the aims and objectives of the Framework.

Living conditions

13. The council's Design Guide Supplementary Planning Document - Overarching Design Principles (March 2018) (SPD) identifies rather than prescribes principles of good design that are considered to be best practice. To protect the living conditions of occupants of neighbouring properties, the 45 degree code assists by drawing an imaginary line at an angle of 45 degrees from the closest quarter point of the nearest habitable room¹ window which would be affected by the proposed extension. The proposed extension should not cross the 45° line for a distance of 12 metres. Plans provided by the appellant demonstrate that the proposed first floor rear extension would comply with this guidance and the council concurred. The window in the existing first floor rear elevation is oriel in style slightly protruding from the face of the building and is similar to those on the neighbouring property. The plans indicate that the proposed window in the extension would be of a similar style to that which is in place in

¹ This normally excludes bathrooms, halls, landings, and garages

the existing first floor. I am satisfied that the addition of the first floor extension would not detrimentally exacerbate any loss of privacy currently experienced. I am also satisfied that due to the separation distance between the appeal property and its neighbour, the living conditions of the occupiers would not be significantly compromised by the extent of the projection of the first floor addition.

14. While I find harm regarding the effect of the extension to the front of the garage on the character and appearance of the host dwelling and its surroundings, I also consider that the proposed build would likely have a negative impact on the outlook from No. 8 Cove Gardens. This property is positioned perpendicular to the appeal property and some windows on its front elevation look directly towards the blank side elevation of the appeal property. While the current outlook is dominated by the expanse of the two storey blank rendered wall, extending the garage forward would bring the solid structure much closer to the neighbouring property enclosing the space. It is likely that the extended garage would have an overbearing impact when viewed from the neighbouring property leading to an undesirable feeling of enclosure.
15. Overall, the proposed extension to the side of the garage at the rear and the first floor rear extension are considered to accord with the SPD and with Policy SWDP 21 which seek, amongst other things, to ensure that development should provide an adequate level of privacy and outlook, and should not be unduly overbearing. In contrast, the garage extension to the front would conflict with the aims of the policy in terms of its effect on outlook.

Other Matters

16. According to mapping records the formal line of the public footpath cuts across the rear garden of the appeal property. However, the actual footpath and route in use lies outside the rear garden. It appears that the formal line of the public footpath was not formally diverted onto the new route at the time of construction of Cove Gardens. Nevertheless, nothing in the works permitted obstructs the Definitive Map route or the route in current use.

Planning Conditions

17. The conditions set out in the accompanying schedule are based on those suggested by the Council. Where necessary, I have amended the wording of the suggested conditions, in the interests of precision and clarity, and in order to comply with advice in the Planning Practice Guidance.
18. In addition to the standard commencement condition, a condition specifying approved plans/documents is necessary for the avoidance of doubt and in the interests of certainty. The condition to ensure that the development is implemented and retained in accordance with the submitted Water Management Statement is necessary to ensure that an appropriate sustainable drainage system is provided to serve the development.
19. Conditions restricting deliveries of construction materials, plant and machinery and removal of spoil from the site is necessary to protect the living conditions of neighbours. Likewise, a condition restricting construction working hours is also considered necessary to protect the living conditions of nearby residents.

Conclusion

20. For the reasons given, I conclude that the appeal should be allowed in part and dismissed in part by allowing the side garage extension and the first floor rear extension. The remaining development is contrary to the development plan as a whole and there are no other material considerations, including the provisions of the Framework, which outweigh this finding.

S A Hanson

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: Block Plan MAB1; Proposed Floor Plans MAB3[A]; Proposed Elevations Plan MAB4[A] insofar as they relate to the side garage extension and the first floor rear extension.
- 3) Prior to the first use/occupation of the development hereby permitted, the details set out in the submitted Water Management Statement shall be fully implemented and remain thereafter.
- 4) No work relating to the construction of the development hereby approved (including deliveries of construction materials or plant and machinery; removal of any spoil; demolition; and site preparation) shall take place on the premises before 0730 on Mondays to Fridays and 0800 on Saturdays nor after 1800 on Mondays to Fridays and 1300 on Saturdays, or at any time on Sundays or on Bank or Public Holidays.

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