



Appeal Decision

Site visit made on 14 February 2023

by K Stephens BSc (Hons) MTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 9th March 2023

Appeal Ref: APP/J1860/D/22/3313631

Stanway, 176 Pickersleigh Road, Malvern, Worcestershire WR14 2QX

- 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 A Vella against the decision of Malvern Hills District Council.
 - The application Ref M/22/01206/HP, dated 8 August 2022, was refused by notice dated 1 December 2022.
 - The development proposed is erection of detached garage/annexe.
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Decision

1. The appeal is dismissed.

Main Issue

2. The main issue in this appeal is the effect of the proposal on the character and appearance of the area.

Reasons

3. The appeal site is a detached 1930s, 2 storey dwelling in a predominantly residential area on the approaches to Malvern town centre. Dwellings are mainly detached and semi-detached, set back from the road in good sized plots. There are also a number of single storey bungalows adjacent on Hayslan Road, set back on the same building line as the host property. Overall there is a spacious and open character and appearance to the area.
4. The host dwelling is prominent in the street scene for being located on the corner with Hayslan Road at a busy traffic light junction and for being clad in Cotswold Ashlar stone when other properties are predominantly brick and/or render. The dwelling is centrally located within the plot, with the front elevation set back approximately 11 metres from Pickersleigh Road and the side set back about 10.7 metres from Hayslan Road. This set back gives space to the corner and also affords close up views of the Malvern Hills from its garden and the adjacent roads and nearby pedestrian crossings. Therefore, the appeal site positively contributes to the open and spacious character and appearance of the area.
5. The proposed detached 1.5 storey garage/annexe building (hereafter the 'annexe') would be erected to the side of the dwelling in the gap between it and Hayslan Road. It would be about 2.9 metres from Hayslan Road, but would not project forward of the principal elevation of the dwelling. The annexe would comprise a double garage on the ground floor and a one-bedroom annexe on the first floor. The upper floor would be accessed via a door at the top of an

external staircase, with wrought iron balustrade and handrail, on the side elevation closest to Hayslan Road.

6. The Council's Design Guide¹ states that garages and outbuildings should be subordinate in scale and be of a similar design to the existing house, taking account of materials, local character and the level of visibility from surrounding public areas. Those that are located in front gardens or those that extend in front of the established building line can over-dominate and detract from the street scene.
7. The annexe would be approximately 5.52 metres high to the ridge of its roof, which would be about level with the tops of the first floor windows on the host dwelling. It would be about 3.41 metres high to the eaves, similar in height to the tops of the ground floor windows. Its position in the gap and its 1.5 storey height, together with the multiple pitched roofs and each elevation displaying facing masonry gables, would result in an unduly prominent, large and bulky building in close proximity to the road. It would also be sited significantly forward of the building line of the properties in Hayslan Road, the nearest of which are bungalows. Even if some distance away from the neighbouring garage, the annexe would reduce the open and spacious character and appearance of the plot and the surrounding area.
8. The annexe would be lower and smaller than the host dwelling, and the appellant has provided calculations to show this as proportions of the host dwelling. Nonetheless, the height and design of the annexe, and its resulting bulk and massing, would fail to create a building that is subservient to the host dwelling. Matching stone and plain clay roof tiles would do little to mitigate against this. Furthermore, with its multiple pitched roofs, wide gables, domestic windows and a first floor external door and staircase, the annexe would appear as a small dwelling shoehorned between the host dwelling and the road. This would exacerbate the cramped form of development and further reduce the openness of the plot and surrounding area.
9. The annexe would be easily viewed from public vantage points as people wait at the traffic light junction, either in vehicles or as pedestrians waiting to cross the road, or walk down Hayslan Road. The first floor door would be higher than the top of the 2m high fencing that has been erected along the back edge of the pavement around the site's front and side boundaries. This would create an unduly overbearing form of development in close proximity to the pavement that would detract from the street scene. The pleached trees that have been planted inside the fence will fill out in time, but they would not provide sufficient mitigation against this harm.
10. The appellant refers to a fallback position, namely that outbuilding structures could be erected as permitted development² without the need for planning permission under Class E. For significant weight to be afforded to a fallback position there needs to be not only a reasonable prospect of it being carried out in the event that planning permission was refused, but it would also need to be equally or more harmful than the scheme for which permission is sought.

¹ South Worcestershire Design Guide Supplementary Planning Document – adopted March 2018.

² Schedule 2, Part 1, Class E of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended)

11. Under Class E, a building could be erected with a larger floor area than the proposed annexe and the garden could be occupied with more structures up to permitted development limits, including being sited up to the boundary with Hayslan Road. Furthermore, Class E does not limit the use of materials. However, any building erected under Class E could only be single storey and none could be built as high as the proposed annexe, to either the eaves or ridge. Whatever form the roof takes and distance away from the site boundary, the height of the building to its eaves could not exceed 2.5 metres. The proposed annexe would significantly exceed the permitted development limitations on height. I am satisfied that a building erected under permitted development under Class E would be visually less harmful to the character and appearance of the area than the scheme for which planning permission is being sought. Consequently the fallback scheme cannot be afforded significant weight.
12. Overall, the proposed development would detract from the street scene and harm the character and appearance of the area. Accordingly the development would not comply with South Worcestershire Development Plan³ Policies SWDP 21 and 25, and Malvern Town Neighbourhood Plan⁴ Policy MD1. Collectively these seek to ensure development complements the character of the area reflects and responds to its surroundings in terms of design, scale and mass, as well as form and function. It would also be contrary to the Council's Design Guide.

Conclusion

13. For the reasons given above I conclude that the appeal should be dismissed.

K. Stephens
INSPECTOR

³ Adopted February 2016

⁴ Made August 2019