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# Appeal Decision

Site visit made on 14 February 2023

**by S Crossen BA (Hons) PgCert PgDip MA MRTPI**

**an Inspector appointed by the Secretary of State**

**Decision date: 23 March 2023**

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**Appeal Ref: APP/H1840/W/22/3310249**

**34 Leamington Road, Broadway, Worcestershire WR12 7EB**

- 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 R James against the decision of Wychavon District Council.
  - The application Ref W/22/01061/FUL, dated 4 May 2022, was refused by notice dated 23 August 2022.
  - The development proposed is construction of a single dwellinghouse and associated works.
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## Decision

1. The appeal is dismissed.

## Preliminary Matter

2. The appellant has brought to my attention that the Broadway Neighbourhood Plan 2006 – 2030 (BNP), was adopted in October 2022. As the Council can provide final comments, so has had the opportunity to comment on the BNP, and because it is incumbent on me to take into account the most relevant and up to date information in reaching a decision, I have therefore had regard to this document in my decision.

## Main Issue

3. The main issue is the effect of the proposal on the character and appearance of the area.

## Reasons

4. The appeal site is a garden which is to the rear of houses fronting Leamington Road and which has been segregated from one of these houses. The site has a garage which fronts the main road which would be demolished to provide access for a new detached, single storey house with garden and two parking spaces. At my site visit I saw a number of small and larger outbuildings within the appeal site and within the gardens of adjacent houses all with different designs and made from different materials. The site lies within the settlement of Broadway and the Cotswold Area of Outstanding Natural Beauty (AONB) but outside of the Broadway Conservation Area.
5. Of the adjoining development, Nos 34-44 (evens) are a terrace of cottages with stone elevations and tiled roofs, while no. 32 is a detached house of different character, with a villa appearance, rendered elevations and a slate roof. Differences in the design of houses can be seen along Leamington Road, however these houses share a similar relationship with one another because

they are in close proximity to the highway, and they have large rear gardens which result in a coarse grain street pattern, so are therefore distinct from other groups of houses on the same road and the estate to the rear. No.32 has a wooden outbuilding which is visible from the highway and has a short garden compared to the other houses in the same row, meeting the boundary to the appeal site.

6. There is a substantial area of recently built development beyond the rear boundary of the appeal site, a large mixed development which is defined by cul-de-sacs and a fine grain street pattern.
7. The properties along this section of Leamington Road are arranged in a distinctive linear pattern. Although they generally have large rear gardens, there is an absence of backland development. These characteristics contribute positively to local distinctiveness.'
8. The new house would be visible from the main road, although I accept it would be no more prominent than the existing outbuildings seen at the rear of adjacent houses, or the new two storey houses, which are also visible, beyond the rear of the appeal site.
9. Although single storey in scale, the new house would occupy a much larger footprint than any of the other rear garden structures so would have a dominant presence, seen from neighbouring houses. The presence of such a large building in this location would be out of character with the distinctive pattern of local development, and, consequently, would have a harmful effect.
10. The use of sympathetic materials would not outweigh the harm identified above, because of the siting and scale of the proposal in relation to the existing outbuildings and structures to the rear of the houses facing Leamington Road. The limited information I have, indicates that this harm cannot be mitigated for through landscaping, this is because of the limited space and conflict between providing sufficient mitigation to screen the harm, at the same time as providing reasonable living conditions for future occupants by way of outlook and daylight.
11. The appellant has made me aware of a previous dismissed appeal<sup>1</sup> for a two storey house on a slightly larger plot, which was created by significantly reducing the garden size of number 34. While the Inspector in that appeal found that the two storey dwelling would not be visually prominent in wider views, he also found that it would dominate locally and its siting would be out of place with the local pattern of development. I have made similar findings regarding the current appeal. Therefore, the previous appeal decision does not lead me to a different overall conclusion.
12. The appellant has provided examples of other houses and development in the wider area, and I have had regard to these too, however the examples cited are in other parts of the town where the pattern of development is different from the area immediately surrounding the appeal site. Given the scale of the proposal it is appropriate to consider it within a narrower, locally distinctive context.

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<sup>1</sup> Appeal reference APP/H1840/W/20/3258259

13. The appellant has stated that the dimensions of the proposal are less than those of an outbuilding constructed using permitted development rights. This theoretical fallback position holds limited weight because it is not currently part of a garden curtilage and because of the distinct difference in character between a building incidental to the enjoyment of a dwellinghouse and a separate dwelling which would require planning permission.
14. I conclude that the development would have a detrimental effect on the character and appearance of the area. As such it would conflict with Policy SWDP 21 of the South Worcestershire Development Plan adopted February 2016 (the SWDP), Policy HD1 of the BNP and chapter 12 of the National Planning Policy Framework in particular paragraph 130. These policies seek, amongst other things, that new development provides good design that is sustainable and appropriate to its location, scale and setting, and that development integrates effectively into its surroundings.

### **Other Matters**

15. I have had regard to the positive attributes identified by the appellant regarding the parking area, private amenity space and relatively small number of objections, but they do not overcome the harm that I have identified above.

### **Conclusion**

16. For the above reasons, having regard to the development plan as a whole, the provisions of the Framework and all other matters raised, I conclude that the appeal should be dismissed.

*S Crossen*

INSPECTOR