



Appeal Decision

Site visit made on 9 May 2023

by Bhupinder Thandi BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 31 May 2023

Appeal Ref: APP/W1850/W/22/3308129

Etna, Birch View, Orcop HR2 8SD

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
 - The appeal is made by Mr & Mrs Bennett against the decision of Herefordshire Council.
 - The application Ref 220250, dated 25 January 2022, was refused by notice dated 22 June 2022.
 - The development proposed is for two x 3 bed bungalows.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. The application is in outline with appearance, layout and scale to be considered at this stage. I have determined the appeal on this basis.
3. Plans, including site layout and elevation plans accompany the application and I have paid regard to them in so far as assessing the matters under consideration.
4. The Council have referred to conflict with the 'made' Orcop Neighbourhood Plan in their Statement of Case. However, as the appeal site falls outside of its geographical area, I have given it negligible weight in coming to my decision.

Main Issues

5. The main issues are:
 - The effect of the proposed development upon the character and appearance of the area;
 - Whether the proposed development would provide adequate surface water and foul water management; and
 - The effect of the proposal upon the River Wye Special Area of Conservation (SAC).

Reasons

Character and appearance

6. The appeal site lies on the corner of Lyston Lane and Birch View on the edge of Orcop. The site comprises a detached bungalow, known as 'Etna' which has an extensive garden area. Birch View is a small residential cul de sac and its access road wraps around the side and rear of the site. On the opposite side of

the road is open countryside. This part of Orcop has a spacious appearance on account of the surrounding countryside and the generous spacing between buildings. Properties in the area vary in terms of design, scale and set back from the highway yet dwellings largely front the road positively contributing to the street scene.

7. The development proposed is for two dwellings in the garden area of Etna served by a driveway. It would be orientated so that the front of the houses would face the host property and their rears would face towards Birch View. Whilst the design of the proposal seeks to replicate the design of Etna it would essentially turn its back on the street with limited physical and visual connection to it.
8. Whilst the proposed development would not involve a greenfield site the position and orientation of the dwellings would be at odds with the established pattern of development in the area resulting in an awkward spatial relationship. This spatial relationship and lack of visual and physical connection to Birch View would result in a development that would not successfully integrate into the surrounding built form or positively contribute to the street scene.
9. I acknowledge that the proposed development would have a density commensurate with the surrounding area and is intended to be environmentally friendly and energy efficient. However, the size of the dwellings, limited amenity space, extensive hard surfacing and tight arrangement of the built form gives the impression of a far less spacious and unduly cramped development. As such, it would not successfully integrate into the area undermining its spacious character and appearance.
10. I conclude that the proposed development would adversely affect the character and appearance of the area contrary to Policies SS6, LD1 and SD1 of the Herefordshire Local Plan - Core Strategy (2015) (CS) which, amongst other things, require that the character of the townscape positively influences development; new buildings maintain local distinctiveness and conserve and enhance environmental assets that contribute to the county's distinctiveness including settlement pattern.

Other Matters

11. The appeal site is located within the Garren Brook sub-catchment area of the River Wye SAC, which is recognised by the Conservation of Habitats and Species Regulations 2017 and the Conservation of Habitats and Species (Amendment) (EU Exit) Regulations 2019 as an area of international importance for its flora and fauna. The Regulations require decision-makers to undertake appropriate assessment (AA) where significant effects on a SAC are likely either alone or in combination with other proposals. The River Wye SAC is currently considered to be failing its water quality targets due to phosphates levels.
12. The Council's third, fourth and fifth reasons for refusal relate to the absence of information on the means of surface water and wastewater disposal relating to the potential likely impact on the SAC. However, as I have found harm in relation to character and appearance which is significant enough to dismiss the appeal there is no benefit in me pursuing these matters any further.

13. I note the appellants comments in relation to the need for bungalows locally and housing more generally. Whilst this is a benefit of the scheme, I find that this would not outweigh the harm that I have identified in relation to character and appearance that would justify a different overall conclusion that the appeal should be dismissed.
14. Whilst extensions have been constructed and tarmacking of front gardens has taken place in Birch View, it is not justification for a scheme that I have found to be harmful. Their presence does not alter my overall conclusion.
15. A security system, the proximity of services and utilities and the support of neighbours count neither for nor against the proposal and these factors do not overcome my concerns in relation to the main issues.
16. The appellant has suggested a number of amendments that could be made to the proposed development. However, it is incumbent upon me to assess the merits of the proposal before me and that before the Council. I have, therefore, not taken these amendments into consideration in coming to my decision.
17. Whilst I sympathise with the appellant the manner in which the application was dealt with by the Council is not a matter for me in this appeal.

Conclusion

18. For the reasons set out above the appeal does not succeed.

B Thandi

INSPECTOR