



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: 07 July 2023

Appeal Ref: APP/J1860/W/22/3311888

41 Geraldine Road, Malvern, WR14 3NT

- 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 Keon Homes Limited against the decision of Malvern Hills District Council.
 - The application Ref 21/01513/FUL, dated 6 August 2021, was refused by notice dated 21 October 2022.
 - The development proposed is demolition of all existing buildings and erection of 28 dwellings (Use Class C3) for 100% affordable housing including access, parking, landscaping and all associated works.
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Decision

1. The appeal is dismissed.

Application for costs

2. An application for costs was made by Keon Homes Limited against Malvern Hills District Council. This application is the subject of a separate decision.

Procedural Matters

3. The appellant has produced a signed and dated planning obligation by Unilateral Undertaking (UU) under Section 106 of the Town and Country Planning Act 1990. The UU would ensure that the development would be affordable and would provide financial contributions towards community transport; cycling and pedestrian infrastructure improvements; education; and the NHS. I return to the UU later on.
4. Following determination of the planning application by the Council, the appellant has submitted amended plans relating to the size and configuration of plots 1 – 8. I have determined the appeal on the basis of the amended plans. Having regard to the Wheatcroft Principles I am satisfied that no interested parties have been prejudiced by my approach.

Main Issues

5. The main issues are:
 - The effect of the proposed development upon the character and appearance of the area; and
 - Whether the proposal would provide satisfactory living conditions for future occupiers.

Reasons

Character and appearance

6. The appeal site comprises the former Touchstone Day Centre - a single storey brick building constructed from facing brick with a pitched roof. The building appears to have been left vacant for some time and is showing signs of deterioration. Green open space wraps around the building to the north and east with a hard surfaced car park to the south. Due to its height the building represents a low-key feature in the street scene. The site is accessed via a road that also serves Storer Court – which comprises a large institutional building and dwellings.
7. The site lies to the south of Storer Court and occupies a position, located behind dwellings fronting Geraldine Road separated by an access road. Once past Storer Court the road has a semi-rural feel characterised by the architectural detailing of the houses, the gently undulating topography, and mature landscaping that obscures views of the built form beyond.
8. Geraldine Road is characterised by individually designed detached and semi-detached dwellings sitting in generous plots. This design variation, open frontages and planting and gaps between buildings results in a visually pleasant and spacious street scene.
9. The area between the site and Poolbrook Road is largely characterised by low density development including Geraldine Close, Barnards Close and Werstan Close. The layout of the built form, gardens, mature landscaping and trees create a verdant and spacious residential scene.
10. The Design Statement, provided by the appellant, indicates that there is a degree of variance to the area. Whilst this is acknowledged the sum of these different areas, underpinned by mature landscaping, is an attractive, verdant and distinctive residential environment.
11. The proposed development by contrast, comprising pairs of semi-detached houses and short runs of terraces combined with extensive areas of hard surfaced frontages, would result in an uncharacteristic concentration of built form in this context giving the impression of an intensively developed development.
12. This layout in combination with the narrow width of the plots would not positively reflect the looser grain of development locally resulting in an unduly prominent urban form of development. The effect upon the street scene when travelling along the road would be significant.
13. This sense of obtrusiveness would be compounded by the form and detailed design of the proposed development. The choice of materials and lack of architectural detailing and interest would render it an awkward and uninspiring presence in the street failing to acknowledge buildings that positively contribute to the distinctiveness of the local area.
14. Furthermore, the introduction of the two culs-de-sac results in a greater depth of built form both visually and physically. The maisonette blocks, by virtue of the limited separation between the buildings and extensive hard surfaced parking areas alongside the parking areas around plots 21 – 24 would result in

an unduly urban development. This would be at odds with the prevailing semi-rural qualities of the area.

15. I note the appellant's comments in relation to soft landscaping. However, taking into consideration the proposed layout and extensive frontage parking there would, in my view, be limited opportunity for meaningful landscaping that would effectively soften the impact of the proposed development in the short or long term.
16. I acknowledge that the building is showing signs of deterioration. However, its current condition is not justification to permit a scheme that I have found to be harmful.
17. The Comparative Densities Studies Plan, provided by the appellant, identifies various character areas in the local area. Although Barnards Close and Geraldine Road are greater in density at 24.3 and 33.7 dwellings per hectare (dph), excluding open space, Geraldine Close and Werstan Close have a much lower density. The proposed development would have a density of 29.4 dph.
18. I note that representations query the dph figures presented by the appellant. However, the figure is an agreed matter between the main parties and despite the representations received I find that it would be consistent with the average densities set out in Policy SWDP 13 of the South Worcestershire Development Plan (2016) (SWDP).
19. Despite the above, in my judgement, a purely numerical exercise is a crude measure of whether a development complements the surrounding context. There is a balance to be struck between the effective use of land and respecting the prevailing character of the local area. Whilst the proposal would have a density that aligns with the SWDP it would not outweigh the harm that I have identified in respect of character and appearance of the particular surroundings in which it would sit.
20. As such, the proposed development would adversely affect the character and appearance of the area contrary to Policies SWDP21 and SWDP25 which, amongst other things, require high quality design including detailing and materials that integrate effectively with its surroundings and reinforces local distinctiveness.
21. It would also be contrary to paragraphs 124 and 130 of the National Planning Policy Framework (the Framework) which, set out that development densities should desirably maintain an area's prevailing character and setting; development should add to the overall quality of the area; be visually attractive as a result of good architecture, layout and appropriate and effective landscaping and that are sympathetic to local character and history, including surrounding built environment and landscape setting.

Living conditions for future occupiers

22. The National described space standards (NDSS) sets out the technical standards for new dwellings. The Council advise that the internal floorspace of a number of dwellings would fall short of the requirements set out in the NDSS thereby resulting in poor quality internal space for future occupiers.
23. In this regard the Planning Practice Guidance (PPG) states that where a local planning authority wishes to require an internal space standard, they should

only do so by reference in their Local Plan. The SWDP does not contain a policy which details the NDSS internal floorspace. Therefore, there is no justification for use of the NDSS at a local level. Accordingly, whether or not the proposed development would provide satisfactory living conditions for future occupiers is a matter of planning judgement.

24. The internal sizes proposed would be at least 85% of the NDSS, which based on the evidence before me, is a benchmark figure, used across the affordable housing sector and by Homes England.
25. In terms of the internal arrangements the proposed dwellings would achieve adequate ceiling heights and each habitable room would be served by windows providing outlook, daylight and sunlight.
26. Taking these considerations into account, along with the plans and details before me, the extent of internal space would not be inadequate in this instance.
27. I note the Council's comments that policies in the emerging Local Plan make reference to the requirements set out in the NDSS. However, the Framework, at paragraph 48, advises that local planning authorities may give weight to relevant policies in emerging plans according to the stage of preparation; the extent to which there are unresolved objections to relevant policies and the degree of consistency of relevant policies with the Framework.
28. The emerging Local Plan has not been submitted for examination in public and from the evidence before me there are relevant policies which may well be subject to further consultation and modification. As such, I attach very limited weight to the policies contained within the emerging Local Plan.
29. I conclude that the internal sizes would not be substandard and would provide satisfactory living conditions for future occupiers. In this regard it would accord with paragraph 130 of the Framework which, amongst other things, states that development should ensure a high standard of amenity for existing and future users.

Other Matters

30. The Council contend that there is an oversupply of 298 affordable units in the district. However, it is evident from the information submitted that this does not reflect the need identified in the 2021 South Worcestershire Strategic Housing Market Assessment (SHMA). The SHMA identifies a need of at least 331 affordable dwellings per annum which indicates a greater need in Malvern Hills. As such, I give this aspect of the Council's case very limited weight.
31. I note the representations made by local residents raising additional concerns. However, given my findings on the main issues, it is not necessary for me to consider these matters in detail.

Planning Balance

32. The Council accept that they cannot demonstrate a deliverable five-year supply of housing land. In the absence of a five-year housing supply paragraph 11(d) of the Framework and the 'tilted balance' is engaged. In so far as this appeal is concerned the Framework states that where policies which are most important for determining the application are out-of-date permission should be granted

unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole.

33. The Framework encourages the redevelopment of previously developed land and seeks to boost significantly the supply of housing, and I attach great weight to the provision of dwellings on a brownfield site. Moreover, all of the dwellings would be affordable contributing towards meeting an identified local need. I therefore give the provision of 28 affordable dwellings significant weight in the planning balance.
34. The site is located within Great Malvern within a short distance of a range of day-to-day services. Future occupiers would be able to reach these on foot, providing them with transport choice and an alternative to car use.
35. Turning to the economic implications – the construction of 28 dwellings would provide jobs, albeit this would be largely short term limited to the construction phase. Future occupiers would help to maintain the vitality of services and facilities in the town through increased spending. These benefits would be moderate.
36. I acknowledge that the development is fully funded and viable; it would incorporate renewable technologies and a net gain in biodiversity. However, these are matters of neutral consequence.
37. The planning obligations would contribute towards supporting or improving local facilities and infrastructure. However, the obligations would essentially mitigate the impact of the proposed development in planning terms. As such, these are matters of neutral consequence in the overall balance.
38. The Framework makes it clear that good design is a key aspect of sustainable development. It also expects development to add to the quality of the area and be visually attractive as a result of good architecture and layout. Whilst I have found that the proposed development would provide adequate living conditions for future occupiers, this is essentially a matter of neutral consequence in the overall planning balance. Even taking into account the objective to significantly boost the supply of housing and the Council's housing land supply position, the conflict between the proposal and SWDP Policies 21 and 25 should be given very significant weight in this appeal.
39. In the context of the above, and taking into account the aforementioned other considerations, I find that the identified adverse impacts of the development would significantly and demonstrably outweigh the identified benefits of the proposal, when assessed against the policies in the Framework taken as a whole. Consequently, I conclude that the proposal would not deliver a sustainable form of development. Therefore, the appeal is dismissed.

Conclusion

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

B Thandi

INSPECTOR