



Appeal Decision

Site visit made on 23 May 2023

by Tamsin Law BSc MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 24 August 2023

Appeal Ref: APP/J1860/W/22/3308712

65 Bellars Lane, Malvern, Worcestershire WR14 2DJ

- 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 P.M. Brooks against the decision of Malvern Hills District Council.
 - The application Ref M/22/00968/FUL, dated 23 June 2022, was refused by notice dated 23 September 2022.
 - The development proposed is described as "demolition of existing bungalow and erection of 2 pairs of semi detached."
-

Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are;
 - The effect of the proposed development on the living conditions of neighbouring residents, with particular regards to outlook; and
 - The effect of the proposed development on the character and appearance of the area.

Reasons

Living Conditions

3. At present the host dwelling is served by a large garden and is set back from the road and from its boundaries with adjoining neighbours. The proposed development would introduce four dwellings in its place. The proposed dwelling would be located further forward than the existing dwelling, approximately in line with the adjoining dwellings, and would be built in close proximity to the boundaries of the appeal site. Dwellings either side of the site, No's 63 and 67 Bellars Lane, are located side boundaries, within a few metres. No 63 has its front door and three windows on the side elevation facing the appeal site which provide light and outlook for living/dining rooms. No 67 only has two front facing windows with several windows to a number of habitable rooms located on its side elevation facing towards the appeal site.
4. The location of the proposed dwellings, close to the side elevation and windows of No's 63 and 67, combined with their height and depth would bring a solid, tall structure close to neighbouring properties enclosing the space between. Views from the side windows of No's 63 and 67 would be dominated by a

largely blank brick wall which would have an overbearing impact leading to an undesirable feeling of enclosure.

5. I conclude that the proposed development would significantly harm the living conditions of the residents of No's 63 and 67, with particular reference to outlook contrary to Policy SWDP21 of the South Worcestershire Development Plan (2016) (DP) and Policy MD1 of the Malvern Neighbourhood Plan (2018) (NP) D which seek, amongst other things, to ensure that development does not adversely impact neighbouring residents and is not unduly overbearing. The proposed development would also be contrary to paragraph 130 of the National Planning Policy Framework (the Framework) that seeks high standards of amenity for existing users.

Character and Appearance

6. Bellars Lane is a predominantly residential street characterised by dwellings located on long, narrow plots. Whilst some plots are wider, these are on the southern side of Bellars Lane, where dwellings are largely detached. To the north dwellings are predominantly two-storey semi-detached dwellings. The properties vary considerably in their individual design characteristics and form; however, many properties are finished in render and red brick. The road has a pleasant spacious and green environment, with sections of grass verge, and boundary trees and hedgerows. Properties are set back from the road behind front gardens and parking areas which contribute to its spaciousness.
7. The appeal site is located on the northern side of Bellars Lane, where plots are narrower. The appeal site is unique in the immediate area in that the existing single storey dwellings is set further back into the plot than adjoining properties and within a large, wide garden.
8. The proposed development would see the demolition of the existing dwelling and the construction of two pairs of semi-detached dwellings. Whilst the plots would be narrow, they would not be dissimilar in scale to nearby properties, such as No's 35, 37, 39 and 41 Bellars Lane and dwellings on Five Oaks Close to the north of the site. The rear gardens would be smaller than other properties on Bellars Lane and would back onto an area of open, currently, open land which forms part of the garden of the appeal site. This adjoins Five Oaks Close where plots are comparable in size to the proposed development. Therefore, the garden space provided for each of the dwellings would not be out of character with other properties within the vicinity of the site.
9. The proposed dwellings would be located closer to the highway than the existing and would largely be in line with the existing building line. It would retain a set back from the highway behind a front garden. This would be sufficient space to enable landscaping between the proposed dwellings and the road to retain the spacious and green character of the area.
10. The proposal would increase the density of the site however it would be similar to nearby existing developments. Given the use of materials to match nearby properties, layout of the dwellings, the overall retained spaciousness and the scale of the development the increase in density would be limited and would not be readily apparent when travelling along Bellars Lane, certainly not to the extent that it would significantly harm the character and appearance of the area.

11. I have had regard to the Council's submission that, due to the population characteristics of the area, bungalows are needed. However, I have not been provided with any evidence that there is an undersupply of such accommodation. As such I can only afford this limited weight.
12. As such, it would comply with DP policies SWDP13, SWDP21 and SWDP25 and NP Policy MD1 which seek, amongst other things, to ensure that developments reflect the given characteristics of a site and complement the character of the area. The proposal also complies with paragraph 130 of the Framework which seeks good design sympathetic to local character.

Other Matters

13. The Council has advised that they can demonstrate the supply of housing sites required by the Framework. The appellant disputes this and quotes recent figures from the Council advising that it can only demonstrate 4.92 years supply of deliverable housing. If this is the case, I am taken to paragraph 11 of the Framework. The most important policies are therefore considered to be out of date. As the erection of four dwellings, the proposal would make a limited contribution to any housing undersupply. The scale of the scheme would accordingly limit its associated socio-economic benefits. Paragraph 130 of the Framework requires that developments provide a high standard of amenity for existing and future users. I have found that the proposal would cause unacceptable harm on the living conditions of nearby residents in the manner I have described above. I ascribe significant weight to these harms which would be long lasting. Therefore, and in regard to the specific circumstances of this case, the adverse impacts of granting a planning permission would significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework taken as a whole. It would not therefore be sustainable development for which the presumption in favour applies.
14. The appellant has also noted the benefits of the scheme in terms of safeguarding a local business and associated employees. I recognise the points raised and understand the appellant's rationale for the development. Nevertheless, those are essentially personal benefits, and my decision focusses on the public acceptability of the scheme. Moreover, there is no robust evidence before me indicating that the particular scheme before me is the sole means of achieving such benefits. The benefits of the scheme do not therefore outweigh the harm arising.

Conclusion

15. For the above reasons, there are no relevant material considerations, including the approach of the Framework, that would indicate a decision otherwise in accordance with the development plan. It is for this reason that the appeal should be dismissed.

Tamsin Law

INSPECTOR