



Appeal Decision

Site visit made on 13 June 2023

by S Crossen BA (Hons) PgCert PgDip MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 29 August 2023

Appeal Ref: APP/J1860/D/22/3312002

Staddlestones, Kerswell Green, Worcester WR5 3PE

- 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 Stuart Bishop against the decision of Malvern Hills District Council.
 - The application Ref M/22/00703/HP, dated 8 May 2022, was refused by notice dated 17 October 2022.
 - The development proposed is a single storey timber frame annex.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The proposed annex would have an open plan kitchen and lounge with a bedroom and a bathroom. It does not necessarily follow that, because the proposed building is capable of being independently occupied, it would not, or could not, be occupied for purposes ancillary to the main house, or that it would become a separate planning unit. I note that, if considered necessary, it would be possible to impose a condition relating to the use of the annex. Given the description of development refers to it being an annex and it was submitted as a householder planning application, I have dealt with the appeal on that basis.

Main Issues

3. The main issues are:
 - the effect of the development on the character and appearance of the area.

Reasons

Character and appearance

4. Staddlestones is located on a narrow lane near to its junction with a main road. Surrounding dwellings are a mix of semi-detached and detached houses, brick built with pitched roofs, different designs and of different ages. The rear garden boundaries of the houses on the main road, back onto the lane opposite Staddlestones.
5. The proposed building would be within the side garden of Staddlestones which is a large, detached, brick built, side gable dormer bungalow which has front projecting gable windows. The existing side garden is largely open with some

garden structures set away from the house and near to the boundary with a detached side gable roof house which has rendered elevations.

6. The appeal proposes a detached single storey flat roof, wooden clad annex to be built facing the highway, and to be built approximately in line and in close proximity with the main house. The design would be at odds with the character and appearance of the other houses in the area, sharing none of their design features or qualities. The annex would be set behind an existing tall hedge but would still be visible from the road and would be large enough to be read as a separate dwelling within a row of houses. In this context, the size, and its design, having a flat roof in an area of pitched roof houses, and the proposed materials being wooden and not brick and tiles, would appear incongruous.
7. I conclude that the annex would have a detrimental impact on the character and appearance of the area. It would therefore be contrary to Policy SWDP21 of the South Worcestershire Development Plan, adopted February 2016 (SWDP), the guidance within the Design Guide Supplementary Planning Document Overarching Design Principles adopted March 2018 (SPD) and the National Planning Policy Framework (the Framework) in terms of achieving well-designed places.

Other Matters

8. The Council suggest that a new dwelling in this location would conflict with Policy SWDP2(c) of the SWDP, Policy K2 of the Kempsey Neighbourhood Plan 2017-2030 made November 2017, the guidance contained within the SPD or the Framework. However, the proposal is for an annex rather than separate dwelling. As such, it would not conflict with those policies.
9. Whilst I have given the appellant's personal circumstances careful consideration, I am mindful of the advice contained in Planning Practice Guidance¹ that in general planning is concerned with land use in the public interest. It is also probable that the proposed development would remain long after the current personal circumstances cease to be relevant. For these reasons, I therefore find that this factor is not sufficient to outweigh the harm that would be caused contrary to the SWDP, the SPD and the Framework.
10. Comments are made in reference to hundreds of houses being built in Kempsey, however I have little information before me of their design or location. I also note the comments raised about a nearby approval for log cabins, but again I have limited details before me of their use or location, so do not know if there are any similar circumstances to the case before me. Nevertheless, the description of these developments suggests that they are unlikely to be comparable to this appeal, and in any event each case must be considered on its own merits.
11. Matters raised about the Council's approach to decision making are not determining issues of this appeal.
12. I have had regard to the comments about flooding. However, as I am dismissing the appeals on the main issues for the reasons given above, I have not pursued this matter further.

¹ Paragraph 008 Reference ID 21b-008-20140306 – 'What is a material planning consideration?'

Conclusion

13. I have found harm with respect to the design of the annex and its detrimental impact on the character and appearance of the area. This would bring the scheme into conflict with the development plan taken as a whole and there are no material considerations of such strength as to justify a decision other than in accordance with the development plan. Therefore, the appeal should be dismissed.

S Crossen

INSPECTOR