



Appeal Decision

Site visit made on 3 October 2023

by N Bromley BA Hons DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 6 November 2023

Appeal Ref: APP/J1860/W/23/3320554

Ball Mill Bungalow, Main Road, Hallow, Worcestershire WR2 6LS

- 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 J Dew against the decision of Malvern Hills District Council.
- The application Ref M/22/01773/FUL, dated 28 November 2022, was refused by notice dated 21 February 2023.
- The development proposed is new build dwelling to replace existing Ball Mill Bungalow.

Decision

1. The appeal is dismissed.

Main Issue

2. The main issue raised by this appeal is the effect of the proposed development on the character and appearance of the area.

Reasons

3. The appeal site is occupied by Ball Mill Bungalow, a modest detached property set within a substantial plot, in the open countryside. The site is accessed off the A443 Main Road via a driveway which is shared with a neighbouring commercial business, Ball Mill Logs. There are other commercial buildings and activities also located immediately to the north and a complex of commercial units on a small business park further south. However, the wider surrounding area, with open fields, lined by hedgerows, agricultural buildings, and farm diversification activities, comprise the prevailing rural character of the area. Sporadic residential dwellings of varying size, design, and appearance are also a characteristic of the wider landscape setting of the area.
4. The proposed development seeks the replacement of the existing vacant bungalow with a 2-storey detached dwelling, which would occupy a similar footprint to the existing bungalow. Static caravans on the site, which provide temporary living accommodation for the appellant and their family, would also be removed as part of the proposed development.
5. The existing bungalow, due to its simple and modest appearance, assimilates into the landscape and has a neutral impact on the character and appearance of the area. In contrast, the proposed dwelling has been designed to have a contemporary appearance and the appellant has set out that the proposed scheme demonstrates an industrial led architectural solution, to assimilate with the industrial typology of neighbouring buildings. This is demonstrated by the proposed profiled metal cladding on the walls and roof. Large areas of glazing, particularly on the gable ends, would also heavily contribute to the contemporary design approach taken.

6. Policy SWDP18 of the South Worcestershire Development Plan (SWDP), requires, amongst other things, that the replacement of an existing dwelling in the open countryside, with another single dwelling, will be permitted where the replacement is not disproportionately larger than the existing dwelling and will not exceed the size of the original footprint by more than 30%. Additionally, policies SWDP2, SWDP21 and SWDP25, together and amongst other things, require development to be of a high quality design that integrates effectively with its surroundings, so that it safeguards and enhances the open countryside.
7. The appellant considers that the footprint of the proposed dwelling would not be more than 30% larger than the existing bungalow and it would therefore comply with policy SWDP18 because the policy does not preclude the insertion of additional height within a replacement dwelling. However, compliance with the policy also requires replacement dwellings to not be disproportionately larger than the existing dwelling and I cannot read this as anything other than two separate requirements, both of which must be met for a replacement dwelling to be acceptable in this regard.
8. The proposal, with its two storey height and greater footprint, would result in the overall scale and bulk of the proposed dwelling being substantially larger than the existing bungalow. Therefore, whilst the increased footprint would not exceed 30% of the existing, the overall scale and form of the proposed development would be a disproportionately larger building than the existing bungalow.
9. I acknowledge that the proposed dwelling would be viewed within the context of the adjacent commercial business, including its single storey metal buildings and structures, but it would be significantly larger than the neighbouring buildings. It would therefore dwarf the surrounding buildings and represent an overly dominant development that would not be in keeping with these neighbouring buildings, the appearance of which serves as inspiration for the appeal proposal. Furthermore, the contemporary design would exacerbate the visual dominance of the proposed dwelling, due to the contrasting appearance compared to the existing buildings in the immediate locality and the use of stark materials and high levels of glazing in the gable walls.
10. The topography of the area and level of tree screening provided by mature trees and hedgerows on the site boundaries, particularly along the A443, would result in some mitigation, including views from the public footpath to the south, but the proposed dwelling, due to its scale and appearance would overall be a commanding and incongruous building within the landscape.
11. For the collective reasons outlined above, the proposed development would be harmful to the character and appearance of the area, which would not accord with the identified aims of policies SWDP2, SWDP18, SWDP21 and SWDP25 of the SWDP.

Other Matters

12. Whilst the proposed development would not give rise to any harmful impact to heritage assets, neighbouring privacy or amenity, highway safety concerns or any impacts to drainage and flood risk, these are not matters which weigh in favour of the proposed development. Additionally, although the proposed dwelling would provide an opportunity to improve the life of the appellant, this

would not outweigh the significant harm caused by the impact of the proposed development on the character and appearance of the area.

Conclusion

13. For the reasons given above, I have found that the proposed development would conflict with the development plan as a whole. I have found no other material circumstances that would outweigh that conflict. As such, the appeal is dismissed.

N Bromley

INSPECTOR