



Appeal Decisions

Site visit made on 25 October 2023

by C Billings BA (Hons), DipTP, MRTPI

an Inspector appointed by the Secretary of State

Decision date: 15th December 2023

Appeal Ref: APP/J1860/D/23/3324293

Holly Cottage, Astley Burf, Worcestershire DY13 0RZ

- 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 Simon Chalk against the decision of Malvern Hills District Council.
 - The application Ref M/22/01433/HP, dated 23 September 2022, was refused by notice dated 15 May 2023.
 - The development proposed is the erection of new garage and workshop building to the rear of existing dwelling house.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. I am the Inspector for another appeal on the same site (Appeal Ref: APP/J1860/W/23/3324757). As the proposals in that appeal differ in respect of the location of the development on the appeal site, it is the subject of a separate decision.
3. I have considered this appeal on the basis that the proposal is for an outbuilding to be used for purposes incidental to the enjoyment of the host dwellinghouse.
4. The Council's first reason for refusal referred to Policy SWDP23 of the South Worcestershire Development Plan (SWDP). This policy relates to the Cotswolds and Malvern Hills Areas of Outstanding Natural Beauty (AONB). The Council have however since confirmed that the site is not within the AONB and that Policy SWDP23 does not apply and rather, it was added in error to the decision notice. I have not therefore had regard to this policy in making my decision.

Main Issues

5. The main issues in this appeal are the effect of the proposed development on:
 - the character and appearance of the host dwelling and surrounding area; and,
 - the living conditions of the occupiers of neighbouring property by reason of overlooking.

Reasons

Character and appearance

6. Holly Cottage, the host dwelling is an attractive, semi-detached traditional red brick cottage. It has a low ridgeline and eaves level, with small dormer windows and a large chimney stack to the side. A large 1.5 storey extension has previously been added to Holly Cottage and whilst this is large, it represents a sensitive addition to the host property, echoing design elements and proportions, so it successfully appears subservient to it. In front, it has a small, enclosed garden area with steps leading from the lane up to its main entrance. At the rear, the dwelling is set within a large plot interspersed with vegetation, including some trees within the central and rear parts of the garden.
7. Holly Cottage is identified on the Council's Historic Environment Record (HER) as a non-designated heritage asset. Whilst the village has a wealth of more modern dwellings and buildings, the appeal property is a good example of a traditional rural cottage. The large verdant garden setting, hedge, and other vegetation, which surrounds Holly Cottage are integral to its traditional rural appearance, which contributes to its significance as a non-designated heritage asset. The land levels rise from Hampstall Lane making the open and verdant nature of the garden plot prominent and, also makes a positive contribution to the character and appearance of the surrounding area, particularly as it is one of a few older buildings which have retained its authentic rural characteristics and setting.
8. The proposed outbuilding would be located in the rear garden of Holly Cottage, fairly central to the plot. As land levels rise-up from Hampstall Lane, the proposed building would occupy an elevated position within the site, set at a higher ground level than the host dwelling. This, combined with the siting to the side, rather than directly behind Holly Cottage and, the proposed scale and height of the building, would result in the building appearing visually prominent from surrounding dwellings and some public vantage points along Hampstall Lane.
9. The existing 1.5 storey extension to Holly Cottage is set within the land levels and, is not higher than the ground level of the host dwelling. The scale, height and massing of the proposed outbuilding would be large and comparable in scale and height to the existing extension and, located on an area of raised ground level, which would exaggerate the prominence and lack of subservience in relation to Holly Cottage. By virtue of its bulky design, including high eaves level and pitched roof front gable and large floor area, the outbuilding would not appear subservient to the host dwelling. Together with the design and position on the plot, the proposed outbuilding would dominate the site and undermine the large verdant garden setting of Holly Cottage. The proposal would therefore result in harm to the significance of Holly Cottage as a non-designated heritage asset, as well as to the traditional rural character and appearance of the surrounding area.
10. There is existing vegetation to the site frontage and along the existing driveway to Holly Cottage, which, if retained and when in full leaf, would filter some views of the outbuilding from Hampstall Lane. However, the screening effect of the vegetation cannot be relied upon all year round nor permanently, especially given that the appellant sets out in their statement of case that the access driveway would be widened as part of the proposals, which may remove all or some of the vegetation. The plans and other evidence provided does not clarify the extent of

the driveway works or whether any vegetation would be removed to accommodate the proposed outbuilding.

11. The hedge and other vegetation are integral to the setting of Holly Cottage and, make a positive contribution to the character of the surrounding area, including the verdant landscape setting that the existing plot offers. Therefore, in the event that a wider access was to be created and there was a loss of hedgerow, it would exacerbate the harmful impact of the proposals on the character and appearance of the host dwelling and its surroundings.
12. In view of the above, I consider that the proposed development would have a harmful effect on the character and appearance of the host dwelling and surrounding area, in conflict with Policies SWDP 21 of the South Worcestershire Development Plan (2016) (SWDP), which requires, amongst other matters, that development is in keeping with its surrounding character, conserves and where possible, enhances the setting of historic assets. There would be conflict with Policy SWDP 25 of the SWDP, which requires development proposals and their associated landscaping schemes to integrate with the character of the landscape setting. Also, there would be conflict with Policies SWDP 6 and SWDP 24 of the SWDP, which require development to conserve and enhance the significance of heritage assets, including their setting.
13. In addition, the proposal would be contrary to the guidance contained in the South Worcestershire Design Guide Supplementary Planning Document (SWDG SDP) and the National Planning Policy Framework (the Framework), as they require development to be of high-quality design that make a positive contribution to the character of an area. The SWDG SDP furthermore sets out that garages and outbuildings should be subordinate in scale and similar in style to the existing property.

Living conditions

14. To the east of the appeal site land levels fall away quite considerably with neighbouring dwellings set at a much lower ground level. Castle Cottage is attached to Holly Cottage and has a rear garden running parallel but on a slightly lower ground level. The Swallows and Ye Old Malt House Ground are dwellings with small outdoor garden/patio areas immediately adjacent to the site boundary. These are very private spaces, not currently overlooked by any neighbouring dwelling or development.
15. Owing to the rising ground levels and the position of the proposed outbuilding on the plot, it would have a significantly higher ground level compared to that of surrounding dwellings to the east. Its design includes first floor accommodation with an external staircase and door on the side elevation nearest to these neighbouring properties.
16. Due to the design, elevated position, and relationship to the neighbours to the east, there would be unacceptable overlooking from the external staircase into the private garden spaces of these immediate neighbouring dwellings.
17. The proposed building also includes a first-floor side window in the opposing side elevation, which would face directly towards the rear garden of Castle Cottage. However, whilst the ground level of the proposed outbuilding would be slightly higher than the rear garden level of Castle Cottage, due to the separation distance

from the side window to the garden, there would be no harmful overlooking caused to the rear garden of this neighbouring property.

18. Overall, the proposed garage and workshop building would have a harmful effect on the living conditions of the occupiers of neighbouring property by reason of overlooking. Therefore, the proposal conflicts with Policy SWDP21 of the SWDP, which requires, amongst other matters, that development provides an adequate level of privacy. The proposal would also be contrary to the guidance contained in the SWDG SDP and the Framework, which promote well-designed spaces, which will function well and deliver a high standard of amenity for existing users.

Planning balance

19. That the proposed outbuilding would be energy efficient and include solar panels is acknowledged, but these design features would not reduce the overall bulk and prominence of the building nor overcome concerns in respect of overlooking. I therefore attribute very little weight to these in the overall planning balance. The absence of objections or harm with regard to highway and drainage matters are neutral matters that do not weigh in favour of the proposed development.
20. In the overall planning balance, I do not consider that the harmful effect of the proposals on the living conditions of the occupiers of neighbouring dwellings, the harmful effect to the character and appearance of the host dwelling and surrounding area, and the significance of Holly Cottage as a non-designated heritage asset would be justified. Furthermore, conditions would not overcome or mitigate such harms, as rather a redesign of the scheme would be required to achieve such.

Other Matters

21. It is appreciated that the appellant has previously proposed a number of design solutions for the outbuilding and that, certain forms of development could potentially be carried out within the appeal site under permitted development rights. However, I do not have full details of such fallback or alternative proposals.
22. I have also been referred to an extension and alterations granted at Four Winds, which lies on the opposite side of Hampstall Lane. I do not know whether this property is a non-designated heritage asset, however, I observed it to be a more modern detached dwelling and on a less elevated position compared with the appeal site and proposal. Furthermore, I do not know the planning considerations of the development at Four Winds, which do not relate to an outbuilding. The nature of the proposals and site context are therefore not directly comparable to scheme before me, which has been decided on its own merits and on the basis of the site-specific circumstances.

Conclusion

23. For the reasons given above, I conclude that the proposed development would conflict with the development plan and material considerations do not indicate that the appeal should be determined other than in accordance with it. I accordingly dismiss the appeal.

C Billings
INSPECTOR