



Appeal Decision

Site visit made on 3 January 2024

by David Murray BA (Hons) DMS MRTPI

an Inspector appointed by the Secretary of State

Decision date: 09 January 2024

Appeal Ref: APP/R1845/W/23/3325507

2 Malvern View, Chaddesley Corbett, KIDDERMINSTER, DY10 4SJ.

- 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 Bijan Nasri against the decision of Wyre Forest District Council.
 - The application Ref 23/0305/FUL, dated 1 May 2023, was refused by notice dated 21 June 2023.
 - The development proposed is the erection of a one-bedroom dwelling.
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Decision

1. The appeal is dismissed.

Preliminary Matter

2. The government issued a revised version of the National Planning Policy Framework (the Framework) on the 19th December 2023. I have considered the changes in relation to one of the main issues in this appeal - Green Belt policy, but find that the changes are minor and not material to the decision. The parties were therefore not invited to make submissions on the application of the amended Framework.

Main Issues

3. The main issues are:
 - Whether the proposal constitutes 'inappropriate development' in the Green Belt and the effect on its openness;
 - The effect on the character and appearance of the area;
 - The effect on the occupiers of the adjacent property of 25 Briar Hill and on the occupiers of the new dwelling itself; and
 - Whether harm caused by inappropriate development, and any other harm, is clearly outweighed by other considerations so as to amount to very special circumstances.

Reasons

Background

4. The appeal site comprises the right-hand part of a two storey semi-detached property and its side garden which has a triangular shape on the inside of a bend in Malvern View. The local area is residential in character with other properties of a similar nature partly grouped around an area of open space. It

is proposed to erect a detached two storey single bedroom dwelling with a parking space to the front.

Whether inappropriate development

5. The appeal site lies in the village of Chaddesley Corbett which is a recognised settlement that is washed over by the Green Belt. The Framework indicates in paragraph 154 that the construction of new buildings in the Green Belt is inappropriate unless a proposal falls within one of the stated exceptions. The relevant one in this case is (e) 'limited infilling in villages'. Whether the proposal is acceptable as 'infilling' will depend on the effect on the character and appearance of the area.

Effect on general character and appearance

6. On the face of it the submitted elevation along Malvern View shows that the form of building proposed may not look out of place in the street scene. However, this two dimensional depiction does not pay sufficient regard to the tapering nature of the plot. While meeting the general building line established by the existing houses, the rear walls of the proposed house would almost touch the diagonal rear boundary of the site. The limited extent of the plot is also accentuated by the high timber fence erected along this boundary.
7. The proposed house would therefore have a very cramped setting on the plot and would appear as a 'squashed in' afterthought which would harm the appearance of the street scene and give rise to a loss of openness. Some of the view to the public realm would be screened by the existing hedge along this frontage if this was capable of being retained. Nevertheless, there would be a clear view of the cramped nature of the new dwelling within the gap in the hedge caused by the provision of the wider access and parking spaces for the proposed and existing dwellings.
8. Overall on this issue I find that the proposed house would not sit comfortably in the street scene as it would appear cramped on the site and would not complement the area but materially harm it. As such it would not accord with the provisions of Policies DM.2 (b and c) and DM.24 (a and b) of the Council's Local Plan. It would also not accord with the intentions of the Framework to achieve well designed places which add to the quality of an area and are sympathetic to local character.

Effect on living conditions

9. In terms of the effect on No. 25 Briar Hill this property lies to the rear (east) of the site. At the site visit I noted that the tree shown in the photograph on the final page of the Statement submitted by RCA (on behalf of the appellant) had been felled and it appeared that a side/rear extension has been added to that neighbouring property since the photograph was taken. I have made my assessment on the present circumstances of the sites.
10. Although the new dwelling proposed has been designed to have the main aspect to the front with no first-floor windows looking directly rearwards, I am concerned about its impact on the environs of the neighbouring property. The close proximity of the rear walls of the proposed house to the boundary of the site and above the existing timber fence would have a stark and oppressive effect on the environs of this neighbouring property and harm the living conditions of the occupiers.

11. The Council is also concerned that the proposed house would have inadequate garden area but no adopted standards are referred to. Although the submitted site plan lacks detail it appears to me that there would be little useable garden for the new dwelling and even that would be overshadowed by the enclosing fence and frontage hedge. The latter could be reduced in height to let more light in but that would make the cramped nature of the development more visible to the public realm. This adds to my concern that there is inadequate space available for a new detached dwelling.
12. I conclude on this issue that the proposal would have a harmful and imposing effect on the living conditions of the occupiers of the neighbouring property, contrary to the provisions of Local Plan Policy DM.24, and would not provide reasonable living conditions for the intended occupiers particularly regarding outdoor amenity space.

Planning and Green Belt balance

13. On the main issues I have found that the proposed house would not sit comfortably in the street scene but would have an awkward cramped appearance which would harm the character of the area and result in a loss of openness. As such it would not be an acceptable form of 'infilling' in the context of paragraph 154 (e) of the Framework and would constitute inappropriate development in the Green Belt. Substantial weight has to be given to this harm. It would also harm the living conditions of the occupiers of the neighbouring property and not provide reasonable garden/amenity space for the intended occupiers. The proposal would therefore be at odds with the provisions of the development plan as set out above.
14. These aspects have to be balanced with other considerations. The proposal would make effective use of land already developed and would add a small dwelling to the local stock of housing but the Framework makes clear in paragraph 128 that such efficient use must take account of maintaining an area's prevailing character and setting.
15. I have also taken account of the appellant's 'fallback' position where extensions or outbuildings could be added to the existing property under 'permitted development' and this may have an effect on neighbouring property. However, there is little evidence before me to show what such physical development could entail or that there is a possibility it may occur rather than be mainly theoretical. Therefore, I am not able to give this factor much weight.
16. Overall, I find that the factors raised in support of the proposal do not outweigh the harm to the Green Belt and other harm identified above. Very special circumstances therefore do not arise in this case. The conflict with the development plan and national policy when read as a whole is not outweighed by other considerations and so the appeal should not be allowed.

Conclusion

17. For the reasons given above I conclude that the appeal should be dismissed.

David Murray

INSPECTOR