



Appeal Decision

Site Visit made on 4 March 2024

by B J Sims BSc (Hons) CEng MICE MRTPI

an Inspector appointed by the Secretary of State

Decision date: 11TH March 2024

Appeal Ref: APP/D1835/D/23/3333390
21, Pitchcroft Lane, Worcester, WR1 3JP.

- 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 Will Randall against the decision of Worcester City Council.
 - The application Ref 23/00638/HP, dated 26 July 2023, was refused by notice dated 29 September 2023.
 - The development proposed is the erection of a first-floor extension with undercroft parking area.
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Decision

1. The appeal is allowed and planning permission is granted for the erection of a first-floor extension with undercroft parking area at 21, Pitchcroft Lane, Worcester, WR1 3JP, in accordance with the terms of the application, Ref 23/00638/HP, dated 26 July 2023, subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
 - 2) The development hereby permitted shall be carried out in accordance with the approved plans Nos:
 - 01236-001 – Location plans and block plan
 - 01236-002 – Existing site plan
 - 01236-003 – Proposed site plan
 - 01236-004 – Landscape plan
 - 01236-007 – Existing floor plans
 - 01236-008 – Proposed floor plan
 - 01236-010 – Existing elevations
 - 01236-011 – Proposed elevations
 - 01236-012 – Proposed elevations
 - 01236-013 – Proposed sections
 - 01236-014 – Proposed section details
 - 01236-015 – Proposed sections
 - 01236-016 – Proposed vision splays
 - 3) The Development hereby approved shall not be occupied until the access including the first 3 metres in a bound material and undercroft parking, as shown on Drawing No 01236-004 have been provided. The parking area shall thereafter be retained for the purposes of car parking.
 - 4) The Development hereby approved shall not be occupied until pedestrian visibility splays of 1.5m either side of the access as shown on Drawing No 01236-016 have been provided. The visibility splays must be maintained thereafter with no obstruction over 600mm above ground level.

- 5) The measures set out in the approved Construction Management Plan must be carried out in full throughout the construction phase of the development.
- 6) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking and re-enacting that Order with or without modification) no development as specified in Part 1 Class E of Schedule 2 of that Order shall be carried out without express planning permission first being obtained from the Local Planning Authority.

Procedural Matters

2. The Appellant is discontent with way in which the Council dealt with the original application due to conflicting views expressed by officers. Fundamentally, this appeal is determined on an entirely fresh assessment of its individual planning merits.
3. However, it is material that, since this appeal was submitted, two other approvals have been granted for the site. The first is a Certificate of Lawfulness of Proposed Use (CLPU) for a proposed garage, home office and potting shed. The second is for a development similar to that proposed in the present appeal with some modifications.

Planning Issues

4. The main issue is the effect of the development proposed in this appeal on the character and appearance of the site and surroundings, having regard to the level of local flood risk and potential loss of green space.
5. It is also appropriate to take into account the planning fallback position created by the previous approvals mentioned above and to refer to other matters of highway safety and residential amenity.

Reasons

Character and Appearance

6. There is no doubt that the proposed design, setting new living accommodation at first floor level supported on slender columns, departs dramatically from the local Victorian vernacular displayed by the host dwelling in both form and construction. That is by using modern materials of stained black timber under a shallow-pitch, standing-seam, black metal roof, in contrast with the traditional red brick and tiles. The fenestration would also contrast in form with that of the present house.
7. The extension would be barely subservient to the already-extended existing dwelling, being only marginally lower in overall height and a little set back from the principal frontage. It would increase the floor area by some 48 percent over the current figure and by as much as 127 percent above that of the original semi-detached house, even discounting loft space.
8. In these respects, the proposal fails markedly to comply with the strict terms of adopted design guidance. However, national and local planning policy makes provision for innovative and contemporary designs of high quality, where they enhance the townscape overall.

9. I consider that the proposed modern extension would make its own interesting and individual design statement, such that the development would not detract from the character and appearance of the site and surrounding area but would enhance the quality of the townscape within the setting of the nearby Riverside Conservation Area, which would accordingly not be harmed. The individuality of the extension would be reinforced by the visual neutrality of the glazed link bridging the clear space between the old and new parts of the dwelling.
10. Of course, the design is driven by the need to protect occupants from the risk of fluvial flooding, within designated Flood Zone 3, generated by the nearby River Seven. The development would render the property more useable, with the ground floor being reduced from habitable accommodation to uses such as storage, whilst the undercroft created would provide the requisite two off-street car parking spaces.
11. I give weight to the favourable comments of several interested persons, including the former Chair of the Worcester Society of Chartered Architects, who describes the appeal proposals as presenting an honest and innovative solution for the site.
12. I consider that, overall, the proposed extension would prove to be of high design quality, integrate effectively with its surroundings in form and function, and otherwise comply with the broad aims of Design Policy SWDP21 of the South Worcestershire Development Plan (SWDP).
13. On consideration of the approved fallback design, which includes brick pillars and fenestration modified to reflect that of the original house, it is my view that those concessions reduce the degree to which the design makes a refreshing individual statement and that the appeal design is to be preferred.
14. The proposed building would encroach upon identified green space protected by Policy SWDP38. However, I consider the garden area within the appeal site to be of limited value in this respect, being also enclosed as private amenity space where ancillary buildings have now been approved. The degree of conflict with Policy SWDP38 would therefore be slight.
15. With conditions to ensure compliance with the design as submitted and removing permitted development rights for additional outbuildings unless separately approved, I am satisfied that the effects of the development would be suitably controlled.
16. Importantly moreover, I consider that the benefits of improving the safety and usefulness of the appeal property would override any non-compliance with Policy SWDP38.

Other Matters

Highway Safety

17. Conditions 3 and 4 are necessary to ensure the provision of the proposed parking spaces and pedestrian vision splays before occupation, in order to safeguard highway safety

Residential Amenity

18. Condition 5 is necessary to require the implementation of a Construction Environmental Management Plan to protect local amenity and the environment during construction.

Overall Conclusion

19. For the above reasons I conclude that the proposed development would comply with the development plan as a whole, wherein the relevant policies are consistent with the National Planning Policy Framework.
20. This appeal should accordingly be allowed and the approval sought granted, subject to the conditions I have outlined.

B J Sims

INSPECTOR