



Appeal Decision

Site visit made on 7 March 2024

by Laura Cuthbert BA(Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 13 March 2024

Appeal Ref: APP/D1835/W/23/3331142

Land at 1 Beaver Close, Lower Wick, Worcester WR2 4EG

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission.
 - The appeal is made by Mr and Mrs Howland against the decision of Worcester City Council.
 - The application Ref is 22/00983/OUT.
 - The development proposed is Erection of 1 no. detached bungalow.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. Since the appeal was made, a revised National Planning Policy Framework (the Framework) was published on 19 December 2023. I have taken the revised Framework into account as part of the determination of this appeal.
3. From the evidence before me, it seems that the appeal application has been registered as an outline application, albeit it doesn't appear that any matters were reserved. It has been determined as a full planning application. I shall therefore determine the appeal on this basis.

Main Issue

4. The main issue is the effect of the proposed development on the character and appearance of the area.

Reasons

5. The appeal site is a visually prominent, tapered parcel of land located at the junction of Beaver Close and Columbia Drive. It is part of the garden to the front and side of 1 Beaver Close, a semi-detached, 2 storey dwelling, and is currently their main private external garden area. It is enclosed by a mature hedge. Due to its corner position, its openness contributes positively to a sense of spaciousness in the street scene, in an otherwise built up residential area.
6. Nos 1 to 11 Beaver Close are a group of 3 pairs of semi-detached 2 storey properties which run to the east of the appeal site. Nos 5-11 are set on a similar building line, whilst the pair of 1 and 3 Beaver Close are set slightly forward. Meanwhile, to the north are a group of 5 pairs of semi-detached bungalows, which are staggered in order to adapt to the curved road of Columbia Drive. Therefore, whilst there are examples of detached properties on the wider estate, the appeal site is at the junction of 2 groups of regular

semi-detached dwellings. It is this immediate context that the proposal would be seen alongside.

7. The proposal, as a result of its detached form and siting in close proximity to the boundary with the highway, would appear as an incongruous addition to the area. Rather than rounding off development, it would reduce the spacious feel of the street scene and would contrast uncomfortably with the more established grain and character of the immediate area. The proposal wouldn't exceed the building line of 72 Columbia Drive. However, its relationship with No 72 would not respect the established staggered positioning of the dwellings along Columbia Drive. Furthermore, it would also sit notably forward of No 1 which would emphasise its incongruity in the streetscene and would be uncharacteristically close to the highway due to the tapered shape of the plot.
8. Furthermore, the design of the proposal, which would be a one and a half storey dwelling with a steeper roof pitch, would be of a different design, scale, and proportion to neighbouring properties on the estate. The orientation of the proposed dwelling, with the gable end containing the entrance door facing Columbia Drive, would be an awkward juxtaposition alongside the eaves facing bungalows that would be seen alongside. The use of a dormer window on the front roof slope would further highlight the incongruity of the proposal in the street scene. Consequently, the appeal scheme would noticeably jar with the immediate built form, harming the character and appearance of the area. Whilst the retention of the hedgerow would help to soften this effect, it would not make up for the inappropriateness of the proposal's design and siting.
9. My attention has been drawn to other similar developments approved in the area. The developments referred to at 67a Canada Way and 85a Canada Way are both suitable infill plots which respect the building line. No 67a was a suitable infill at the end of a terrace and No 85a is situated between 2 existing properties. Neither are on a prominent corner plot. Whilst the different building materials are noted, there is some variation in building materials across the wider estate and so they don't stand out as particularly incongruous. Therefore, they would not be directly comparable to the appeal proposal.
10. Whilst the development referred to at 124a Columbia Drive is situated on a corner plot in a similar way to the proposal, it is a 2 storey brick built detached dwelling which is seen in the context of other 2 storey detached dwellings. Furthermore, whilst it exceeds the building line of the detached bungalows immediately to the east, it would sit on the same building line as the 2 storey dwellings further east along Columbia Drive that are also on corner plots with Alberta Close and Oakville Close. Therefore, it does not appear as incongruous in the streetscene.
11. Nevertheless, the circumstances of each proposal are likely to be different and the fact that similar developments allegedly exist in the area is not a reason, on its own, to allow unacceptable development in the above context. I have considered this appeal on its own merits and concluded that it would cause harm for the reasons set out above.
12. The Council have briefly raised concerns regarding the privacy of the outdoor amenity space for the future occupants as it would be to the front of the dwelling and directly adjacent to the highway. However, the majority of the existing outdoor amenity space associated with No 1 lies in the same position, to the front of the dwelling and adjacent to the highway. I acknowledge that

'the replacement of the hedge with high fencing to protect residential amenity in the future is likely to be considered unacceptable due to the impact on the street scene'. However, the appellant in the Design and Access Statement confirms that the mature hedge would be retained along the entire site road frontage. Furthermore, a suitably worded condition could control the boundary hedge along the site frontage. This would ensure that future occupants would not suffer from unacceptable levels of overlooking.

13. Nonetheless, the appeal scheme would cause harm to the character and appearance of the area. It would conflict with Policy SWDP 21 of the South Worcestershire Development Plan (adopted 2016) which states that all development is expected to be of a high design quality and that it will need to integrate effectively with its surroundings in order to reinforce local distinctiveness. It also seeks development to respect the character of the area in relation to its siting, scale, height, massing, materials, and design. It would also be contrary to guidance in the South Worcestershire Design Guide Supplementary Planning Document - Overarching Design Principles (March 2018), in particular Section 4 which supports Policy SWDP 21 in providing guidance for new development stating that new development must relate well, functionally and visually to the site and its setting. It would also conflict with the principles within Chapter 12 of the Framework which seek good design sympathetic to the local area.

Other Matters

14. At the time that the decision was made, the Council were unable to demonstrate a five-year supply of housing. However, following the publication of the revised Framework and the advice in paragraph 226 of the Framework, given that the review of the SWDP was submitted for examination in September 2023, the Council meets the requirements of paragraph 226, and only needs to demonstrate a 4-year supply of housing.
15. Accordingly, the Council has calculated its 4-year housing land supply, only counting dwellings that are expected to be developed within the 4-year period to 31st March 2027, and have followed the requirements of the Framework in terms of what should be included within the calculation. Based on this method, the Council can demonstrate a housing land supply of 4.31 years. Therefore, paragraph 11d of the Framework is no longer engaged for decision-taking purposes. The appellant has not disputed this revised position and figure.
16. I have found that the development would give rise to harm in regard to the character and appearance of the area. It would lead to conflict with elements of the Framework, specifically where it recognises that planning decisions should ensure that developments are sympathetic to local character, including the surrounding built environment. The harm would be significant and long lasting. It would accordingly attract substantial weight.
17. Set against this, the development would provide a two bedroomed dwelling, which would boost the supply of housing in the district, and it would also provide short term employment in terms of construction work. I also recognise the lack of harm in regard to highway safety, drainage, no objection from the landscape officer and lack of harm in regard to privacy of neighbouring occupants.

18. In these circumstances, even if the 'tilted balance' at paragraph 11d of the Framework were engaged, the adverse impacts of granting planning permission would significantly and demonstrably outweigh the benefits in my view. Accordingly, the material considerations in this case do not indicate that the development should be determined other than in accordance with the development plan.
19. I note the feedback given as part of the pre-application advice in August 2022, although I note that the conclusion is caveated that 'should a formal planning application be submitted, consideration should be given to whether this proposal, being located within a residential garden, would cause harm to the local area'. Nevertheless, at appeal the proposal is considered afresh and any positive feedback received as part of these discussions would not warrant allowing the appeal, given the harm that I have identified above.

Conclusion

20. The appeal scheme would conflict with the development plan. There are no material considerations, including the approach of the Framework and worthy of sufficient weight, that would indicate a decision other than in accordance therewith. The appeal is therefore dismissed.

Laura Cuthbert

INSPECTOR