



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: 17 April 2024

Appeal Ref: APP/H1840/W/23/3325459

2 Bredon View, Broadway, Worcestershire WR12 7AY

- 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 J Price and Ms A Daffurn against the decision of Wychavon District Council.
- The application Ref is W/22/01341/FUL.
- The development proposed is proposed dwelling/parking and reformed external space.

Decision

1. The appeal is dismissed.

Preliminary Matter

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.

Main Issues

3. The main issues are: -
 - the effect of the proposed development on the character and appearance of the area;
 - whether appropriate arrangements have been made to secure a financial contribution towards the provision of local affordable housing;
 - the effect of the development on highway safety, with specific regard to parking layout and access; and
 - the effect of the proposal upon the living conditions of the occupants of 2 Bredon View, with regards to external amenity space and parking layout.

Reasons

Character and appearance

4. The appeal site consists of the side and rear garden of 2 Bredon View, a semi-detached property. It is a visually prominent parcel of land, situated at the entrance to the short cul-de-sac of Bredon View and its junction with Bibsworth Avenue. The openness of the appeal site, along with the front, side and rear gardens of the plots around the junction, contributes positively to a sense of spaciousness in an otherwise built up street scene. The open nature of the appeal site also allows views out to the Cotswold Escarpment beyond.

5. Whilst there is some variation in the 'urban grain and density' around the junction, including the garden of No 2 being larger than the garden of 1 Bredon View, the corner plots in the area are generally more spacious plots. There are also some differences amongst the other semi-detached properties in the area. However, the appeal site is seen immediately alongside the pairs of semi-detached properties of 2 and 4 Bredon View, and 17 and 19 Bibsworth Avenue. These are more consistent in their appearance, with both pairs having a small gabled detail to the front and a similar fenestration layout, and consequently contribute positively to the local distinctiveness of the area.
6. The proposal, by virtue of its siting and detached form, would be an uncomfortable juxtaposition in between 2 pairs of semi-detached properties. It would appear as an incongruous addition in the street scene, harming the immediate character and appearance of the area. Furthermore, whilst there would be a degree of spaciousness retained, it would sit closely alongside No 2. This would result in a cramped development, contrary to the more spacious corner plot configuration in the area. The siting of the proposal would also significantly reduce the views through to the Cotswold Escarpment.
7. It is noted that the architectural form and orientation of the proposal would be inspired by that of No 2, albeit in a detached form. However, alongside the use of matching facing and roofing materials, including that of the rainwater goods and windows, these matters would not be sufficient to outweigh the harm to the character and appearance identified. Moreover, the lack of any local or national designations on the site does not alter my findings.
8. Some of the other corner plots, such as 16 and 18 Bibsworth Avenue are more enclosed by way of boundary treatments. However, the actual massing of the houses on these corner plots are positioned appropriately so they still have a degree of openness. It was noted that 15 Bibsworth Avenue sits closer to the junction, maintaining little space to the side. However, its long rear garden which extends alongside the highway still provides a gap in a built up area.
9. Both Policy SWDP2 of the South Worcestershire Development Plan (SWDP) (adopted February 2016) and Policy HD.1 of the Broadway Neighbourhood Development Plan (Broadway NDP) (October 2022) establishes the principle of infill development in villages. However, the proposal would still be subject to the rest of the development plan, and the harm identified above would mean it would be in conflict with other policies within it.
10. The appeal scheme would therefore cause harm to the character and appearance of the area. It would be contrary to Policy SWDP21 of the SWDP which states that all development will be expected to be of a high design quality. It states that proposals will need to integrate effectively with its surroundings, in terms of form and function, reinforcing local distinctiveness. Development proposals must also complement the character of the area.
11. It would also be contrary to Policy BE.1 of the Broadway NDP which states that development proposals should be of high-quality design and have regard to the Village Design Statement, retaining open space between buildings to maintain balance and protect existing views into the countryside. It would also conflict with guidance within the Broadway Village Design Statement 2020 which directs development to preserve key views from the village to the escarpment and ensuring that design is sensitive to location and respects the context of adjacent buildings.

Affordable Housing

12. Policy SWDP15 of the SWDP relates to meeting affordable housing needs. The policy seeks a financial contribution equivalent to 20% for sites involving less than 5 units. The Council have calculated that the relevant amount for the proposal would be £12,797.00 per dwelling. Therefore, a financial contribution towards affordable housing would be necessary.
13. However, whilst the appellant is willing to enter into an agreement, they have 'experienced a severe lack of cooperation on the part of their mortgagee in seeking to complete a legal obligation to secure a financial contribution towards off-site affordable housing provision'.
14. Therefore, in the absence of any legal agreement, the proposal has failed to make appropriate arrangements to secure a financial contribution towards the provision of local affordable housing. It would be in conflict with Policy SWDP15 of the SWDP which sets out the thresholds and amount of affordable housing that proposals should include to be policy compliant. It would also be in conflict with the Affordable Housing Supplementary Planning Document (adopted October 2016) which provides more guidance on how the affordable housing policy should be implemented.
15. I have not been provided with any evidence that suggests that any other financial contributions would be triggered by the development. Therefore, any alleged conflict with Policies SWDP1, SWDP7 and SWDP39 of the SWDP, as well as the South Worcestershire Developer Contributions Supplementary Planning Document (adopted July 2018) would not be determinative in these circumstances.

Highway Safety

16. The existing parking and access arrangement is an informal parking area to the side of No 2, which is accessed via an existing dropped curb close to the junction of Bredon View with Bibsworth Avenue. Whilst there is currently room for vehicles to turn in order to leave the site in a forward gear, it is also likely that vehicles currently reverse out of the site.
17. The proposed parking and access arrangement would be slightly uncomfortable, with vehicles associated with No 2 having to reverse out on to the highway or having to manoeuvre a multipoint turn in front of the proposed property in order to leave in a forward gear. However, vehicle flows and speeds are relatively low in the area, and the Crashmap data shows that there have been no injury accidents within the vicinity of the site in the past 23 years. The pavement crossover would be of a sufficient length, and the width of the access would be increased slightly so there would be plenty of time for a vehicle to respond accordingly should there be another road user. The proposal would not result in a significant increase for the potential for conflict between road users. Consequently, neither the parking layout nor the access would harm highway safety.
18. Furthermore, the instances for the potential for parked vehicles of No 2 being blocked in or made more difficult by vehicles being parked in the shared turning area to the front of the proposed dwelling would be rare. This is by virtue of sufficient parking being provided for both the proposed dwelling and that of No 2. There are also 2 lay-by areas on Bredon View which would

provide additional on-street parking, to serve potential friends or relatives visiting the properties for example. Therefore, whilst the parking layout would be slightly awkward, it would not harm highway safety.

19. Additionally, I also observed that vehicles were already parked on the adjacent roads, thereby restricting road widths and visibility for other road users. Therefore, the additional vehicular movements associated with the proposal would not exacerbate any existing highway safety issues.
20. Whilst the height of the hedge along the front boundary with the highway restricts visibility slightly, it could be reduced down, and I note that a suggested condition agreeing to this is agreeable by the appellant. The Council consider that this condition would not fully address the highway safety concerns. However, given I have found that the proposal would not harm highway safety, the acceptability of the scheme, in regard to highway safety, would not be contingent on the use of such a condition.
21. Therefore, for the reasons set out above, the proposal would not harm highway safety, with specific regard to parking layout and access. It would be in accordance with Policy SWDP21 of the SWDP which states that satisfactory access and provision for the parking, servicing and manoeuvring of vehicles should be provided in accordance with the recognised standards and that vehicular traffic from the development should be able to access the highway safely. The proposals would also accord with paragraph 115 of the Framework (formally paragraph 111), which states that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety or the residual cumulative impacts on the road network would be severe.

Living Conditions of 2 Bredon View

22. Owing to the appeal site consisting of part of the existing garden of No 2, the proposal would result in a reduced rear garden and the loss of the front garden area for the occupants of No 2. The reduced plot size of No 2 would be much smaller than that of 3 Bredon View and 16 and 18 Bibsworth Avenue. However, on balance, irrespective of its angled shape and contrived layout, the external amenity space of No 2 would still be useable, due to its adequate size. Therefore, the proposal would provide satisfactory living conditions for the occupants of No 2, with specific regard to external amenity space.
23. The positioning of the 2 parking spaces to the front of No 2 would result in manoeuvring closer to No 2 than it currently is. However, the additional movements and manoeuvring created as a result of the parking layout, including the opportunities for the parked vehicles of No 2 to be blocked in, would not be significant enough to make the proposal unacceptable on this matter.
24. With this in mind, the proposal would provide satisfactory living conditions for the occupants of No 2, with respect to external amenity space and parking layout. It would therefore be in accordance with Policy SWDP21 of the SWDP which seeks to protect neighbouring amenity.

Planning Balance and Conclusion

25. The main parties agree that the Council is unable to demonstrate a five-year supply of deliverable housing sites. Therefore, paragraph 11 of the Framework

is engaged, which states that permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole, or there are specific policies in the Framework which indicate that development should be restricted.

26. It is acknowledged that the Council's land supply now stands at 2.65 years¹ which is worse than the 3.68 year supply when the application was originally determined. Such a level of shortfall would mean that the provision of 1 dwelling, on an underutilised parcel of land, would attract significant weight. It would provide some social benefits, including supporting strong, vibrant and healthy communities. There would also be economic benefits contributing to building a stronger, responsive and competitive economy, supporting growth with construction and post-construction benefits. The proposal would encourage development and associated economic growth with future occupants contributing to the local economy and continued viability of services in the local area. Accordingly, they would attract modest weight. I have also found that the proposal would not harm the living conditions of the occupants of No 2 nor would the proposal harm highway safety.
27. However, the proposal would harm the character and appearance of the area and would also fail to provide the required affordable housing contribution. 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, and that a sufficient supply of homes are delivered, including housing for different groups in the community, which would incorporate those who require affordable housing. The harms would be significant and long lasting. It would accordingly attract substantial weight.
28. Overall, I find that the adverse impacts of the proposed development would significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework when taken as a whole.
29. Therefore, in conclusion, whilst acceptable in some regards, the proposal conflicts with the development plan as a whole and there are no material considerations, including the Framework, which outweigh that conflict. For the reasons given above, and having regard to all other matters raised, I conclude that the appeal is dismissed.

Laura Cuthbert

INSPECTOR

¹ As set out in the the South Worcestershire Councils' Five Year Housing Land Supply Report Monitoring Period 2022/23 5YHLS Period 2023/28