



Appeal Decision

Site visit made on 23 April 2024

by **O Marigold BSc DipTP MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 09 May 2024

Appeal Ref: APP/D1835/W/23/3330527

Land adjacent to 104 Woolhope Road, Worcester WR5 2AP

- 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 Russell Pinfield against the decision of Worcester City Council.
 - The application Ref is 23/00425/FUL.
 - The development proposed is demolition of an existing garage and erection of a 1-bed dwelling.
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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) has been published. The parties have been able to comment on this change and I have made my decision on the most up-to-date policy position.

Main Issues

3. The Council's first reason for refusal refers to the effect of the proposal on the privacy of the occupiers of 92 Woolhope Road and other properties in the vicinity. However, the Council's Officer Report and Statement of Case confirms that its concerns also relate to the light and outlook available to occupiers of those properties. The appellant has commented on these matters and so no party would be prejudiced by my consideration of these issues.
4. The main issues are:
 - the effect of the proposal on the character and appearance of the area,
 - the effect of the proposal on the living conditions of the occupiers of nearby dwellings, with regard to outlook, light and privacy, and
 - whether the proposal would provide adequate living conditions for future occupiers of the proposed dwelling, with regard to light, outlook and outdoor space.

Reasons

Character and Appearance

5. The area consists predominantly of Victorian terraced and semi-detached orange brick houses. There are some more recent infill properties of different designs, including 21-25, 39-43 and 88-92 Woolhope Road and those at

Woolhope Rise. Even so, most dwellings locally have uniform widths, building lines, roofscapes and ground-floor bay projections. Houses are often set behind modest front gardens and within lengthy plots. These features give the area a distinctive and consistent rhythm and character.

6. The appeal site consists of a small piece of land containing a single storey garage and driveway. The proposal seeks to erect a 2.5 storey dwelling, together with car parking and a rear courtyard. The ridge and eaves lines of the proposed dwelling would match those of Victorian properties nearby, as would its use of orange brickwork.
7. However, despite the use of white render to give a vertical emphasis, the proposal would be noticeably wider than the nearby terraced dwellings, thus appearing odd. It would also have a recessed ground floor elevation. Whilst this is intended to correspond with the bays of the adjoining terrace, such recesses are also not a feature of dwellings in the area and so would appear out of place.
8. Moreover, the roof of the proposal would be asymmetric, appearing discordant when compared to the largely symmetrical roofs of other dwellings locally. The short depth of the plot and its rear yard, together with the limited opportunities for landscaping, would further add to the incongruous and cramped appearance of the proposal.
9. For the above reasons, the proposal would fail to integrate with the distinctive rhythm and character of surrounding properties. As such, it would harm the character and appearance of the area, conflicting with Policy SWDP21 of the South Worcestershire Development Plan (DP), adopted February 2016, and the South Worcestershire Design Guide Supplementary Planning Document (SPD), adopted March 2018. Amongst other things, they require proposals to reinforce local distinctiveness, and to integrate with their surroundings. It would similarly conflict with the aim of the Framework to maintain a strong sense of place. I therefore give this conflict substantial negative weight.

Living Conditions – Existing Dwellings

10. The site adjoins 104 Woolhope Road (No 104), and part of the rear garden of 43 St Dunstons Crescent (No 43). 92 Woolhope Road (No 92) is also close by and has a perpendicular orientation, with its main windows facing over the site. Some of the rooms within No 92 have dual-aspect outlook. However, an electricity sub-station with a high roof is already close to and prominent from this property. The proposal would result in a further building, of tall height and scale, being positioned close to the main windows of No 92 and its side patio.
11. The proposal would also immediately adjoin the end of the garden of No 43. Decorative, patterned brickwork is proposed to the rear of the proposed dwelling, to give visual interest and to minimise its massing effects. Nevertheless, the large, tall mass and close proximity of the proposal would have an intrusive and overbearing impact on the occupiers of No 92 and the rear garden of No 43, making these spaces less pleasant.
12. The proposal includes a first-floor window facing towards No 92 and the garden of No 43. However, a planning condition could require the window to be obscure glazed and fixed shut, thus avoiding any overlooking. The rear elevation of the proposal would have rooflights facing towards No 43 and its

garden. Nevertheless, they would be high up on the roof slope, such that occupiers of the proposal could not obtain views into other properties. No windows are proposed on the side elevation facing No 104. For these reasons, the proposal would not result in the occupiers of Nos 43, 92 or 104 having an undue loss of privacy, or its perception.

13. There is no dispute that the proposal would not breach the 25-degree line used by the SPD to assess effects on light. As a result, the proposal would not result in unacceptable loss of light or overshadowing to rooms within No 92. The proposal would not extend past the rear elevation of the Dining Room or Bedroom 1 of No 104, or in front of its kitchen window, and the property has only a secondary, stairwell window directly facing the proposal. As such, the proposal would not unduly harm the light or outlook available to occupiers of No 104.
14. Nevertheless, as I have found harm to the outlook of Nos 43 and 92, the proposal would conflict with DP Policy SWDP21 and the SPD, which require that development should not be unduly overbearing or harmful to residential amenity. Similarly, it would conflict with the aim of the Framework for a high standard of amenity for existing occupiers. I therefore attach significant weight to this conflict.

Living Conditions – Proposed Dwelling

15. The limited depth of the rear yard, together with the surrounding fencing and vegetation, means that occupiers of the proposed dwelling would have limited light and outlook from the kitchen/diner. However, this room would be served by full height glazed doors and windows. Although perhaps not taking into account the spread of light, calculations provided by the appellant show that average daylight within the room would be at acceptable levels.
16. In any case, light and outlook for occupiers of the proposed dwelling would also be available from the first-floor lounge and, to a lesser extent, the second-floor bedroom. On this basis, the proposal would provide sufficient light and outlook for its occupiers. There is no dispute that the proposed rooms are of sufficient size for their purposes. As such, the proposed dwelling including its dimensions and window locations would be functional.
17. The proposed garden space would have a small size, limiting its use to sitting out and for the drying of clothes. It would be below the minimum standard of the SPD at Paragraph 8.3.16, but this relates to the effect of proposed extensions on the gardens of existing dwellings, rather than new dwellings. The SPD requires family homes to have a private garden sufficient for seating and play. However, the proposal is for a one bed unit, and so does not require a large amount of outdoor space. Accordingly, I consider that it would have sufficient private amenity space.
18. For the reasons set out above, the proposal would provide adequate light, outlook and outdoor space for future occupiers of the proposal. As such, it would comply with DP Policy SWDP21 and the SPD, which require adequate privacy, outlook, sunlight and daylight. However, the absence of harm in these respects is neutral in the planning balance.

Other Considerations

19. Construction of the proposal would make a positive economic contribution locally, for instance to the building industry. Its future occupiers would also make social and economic contributions to the area. The proposal would result in the efficient use of land, close to services and facilities, and could be delivered quickly. It would also be built to high environmental standards. However, as a single dwelling, these benefits would be modest and so I give them limited positive weight.
20. At application stage, the Council was unable to demonstrate an adequate supply of housing land, having regard to the version of the Framework then in force. However, there is no dispute that the Council is now only required to demonstrate four years of housing supply. Nor is it disputed that this has been met, so that Framework Paragraph 11 is no longer engaged. Furthermore, even if Paragraph 11 were engaged, for the reasons given above, the adverse impacts of the proposal would significantly and demonstrably outweigh the benefits of providing an additional dwelling to the supply of housing.

Planning Balance and Conclusion

21. I have found conflict with the Development Plan, for the reasons set out above. The material considerations in this case, including the Framework, do not indicate a decision other than in accordance with the Development Plan. This leads me to conclude that the appeal should be dismissed.

O Marigold

INSPECTOR