



Appeal Decision

Site visit made on 3 June 2024

by P D Sedgwick BSc (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 19th June 2024

Appeal Ref: APP/D1835/W/23/3334727

68 Martley Road, Worcester, Worcestershire, WR2 6HH

- 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 Mrs Bendle against the decision of Worcester City Council.
 - The application Ref 23/00753/FUL, dated 6 September 2023, was refused by notice dated 3 November 2023.
 - The development proposed is demolish garage and outbuilding. Proposed new bungalow.
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Decision

1. The appeal is dismissed.

Preliminary Matter

2. In the interests of clarity, in the banner heading above I have referred to the description of the proposal given by the appellant on the appeal form as this gives a clear description of the type of development proposed which reflects that used by the Council in their decision notice.

Main Issues

3. The main issues are the effect of the proposed development upon the character and appearance of the surrounding area and open space provision.

Reasons

Character and appearance

4. The appeal site relates to part of the rear garden of 68 Martley Road and garages behind it on Monarch Place, a narrow service road to the rear of Martley Road and Monarch Drive. The garden comprises a lawn with mature hedges and trees either side. The garden drops down towards Laugharne Brook which is lined with mature hedges and trees. A rear fence at the end of the garden has a metal gate which leads to the end of Monarch Place and the garages, shed and greenhouse to be demolished to make way for the proposed house. They are located behind a turning head and accessed by a narrow drive running past the neighbour's garage.
5. Views along Monarch Place consist of the rear of houses on Martley Road and Monarch Drive and their garages, rear boundary fences and walls that back onto it. Despite its limited contribution to the visual amenity of the area, garages and fence heights are similar lending some consistency and rhythm to its

appearance. The proposed dwelling would be orientated to face the narrow access to the existing garages. I note that the Council describe the flat roofed design and use of materials as being acceptable in the context of garden outbuildings nearby. However, the proposed development would be significantly higher than the garages it would replace and other buildings that back onto Monarch Place. It would thus be visually intrusive and interrupt the rhythm that I have described.

6. Also, Monarch Place is a rear access road, rather than a residential street, with no other houses fronting on to it. I appreciate that the proposed development would replace an existing cluster of buildings. However, these are domestic outbuildings appropriate to their setting at the rear of the garden and backing on to the access road. As such, their position within the plot, and in relation to other neighbouring buildings, is less important than for a house which, in the case of the proposed development, would be enclosed on one side and at the front by neighbouring boundary fences and the garage for No 66, giving rise to a cramped appearance. The proposed development would therefore be out of keeping with the function, character and appearance of Monarch Place.
7. South Worcestershire Development Plan (2016) (SWDP) does not prevent the development of back gardens. However, I am mindful of the guidance in the National Planning Policy Framework (2023) (the Framework) which advises that, whilst the efficient use of land should be supported, the desirability of maintaining an area's prevailing character and setting, including residential gardens, should be considered.
8. Gardens close to the appeal site, particularly adjacent to the Laughern Brook, are larger than gardens that back onto Monarch Place to the east, which reduce in size towards the junction of Martley Road and Monarch Drive. The proposed gardens that would result from the subdivision of the appeal site would be much smaller than for neighbouring houses altering the pattern and density of development and thus also harming the character of the area around the appeal site.
9. Overall, I conclude on this issue that the proposed development would conflict with Policy SWDP21 of the SWDP, the guidance in the South Worcestershire Design Supplementary Planning Document (2018), and the Framework, which require development to be appropriate to the setting and character of the site and the surrounding area.

Open space

10. The appeal site is allocated as green space, along with other gardens and land to the north and south which form a green corridor adjacent to Laughern Brook, which is protected under policy SWDP 38 of the SWDP. The policy only allows development in exceptional circumstances, such as for recreational or community uses, where an assessment of need demonstrates the green space is not required, or alternative or replacement green space has been secured in a suitable location. I appreciate that the allocation includes the area covered by the existing garages and outbuildings. Nonetheless, the proposed house would be larger in terms of its mass and footprint than the existing buildings and housing is not a use described in the exceptional circumstances criteria of the policy, as noted by Inspectors at previous appeals¹.

¹ Appeal Ref: APP/H1840/W/22/3300136 and Appeal Ref: APP/D1835/W/23/3320824

11. My attention has been drawn to the removal of the appeal site from the green space allocation under the SWDP review, which the appellant suggests is because it does not meet the threshold for designation. Although the reviewed SWDP has been submitted for examination, according to the Council no hearings have been held and thus no findings made in relation to the appeal site. Therefore, as the appellant acknowledges, the reviewed policy carries less weight than those in the adopted plan. Also, no evidence has been provided to me that the review was based on the criteria necessary to justify the proposal under the current adopted policy.
12. I accept that the garden is not publicly accessible, screened from wider public views and has existing buildings on it. Nonetheless, the lawn is bounded by mature trees and hedges, rather than a fence, and steps lead down from it toward Laughern Brook below. Consequently, the garden feels connected to the wider designated corridor of land, rather than separate from it. Also, the allocated green space includes other private gardens to the north and south of the appeal site.
13. The supporting text for the policy acknowledges that some of the allocated area is in private ownership but is nevertheless valuable for its contribution to the character of the area, which is the conclusion I reached above in relation to the appeal site. I also note that the Framework does not appear to exclude private land from designation as green space.
14. Overall, I conclude on this issue that the proposed development of a house on allocated green space would conflict with the aims of Policy SWDP 38 of the SWDP and the Framework which seek to protect green spaces which contribute to the character of the area.

Other Matters

15. At the time the application was determined, the Council could not demonstrate a five year housing supply and engaged paragraph 11 d) of the Framework in its assessment of the proposal. However, the Framework has since been revised. Paragraph 226 of the Framework now requires that Council's that have an emerging plan submitted for examination demonstrate a 4 year minimum housing supply rather than 5 years minimum. The Council submitted a review of the SWDP for examination in September 2023 and has provided evidence that it can currently meet the 4 year requirement which the appellant has not disputed. As such, paragraph 11 d) is not engaged in this appeal.
16. I have had regard to all other matters raised by the appellant in support of the proposal, including the economic benefits that would arise during and after construction such as employment and income for suppliers and revenue for the Council, the sustainable location of the site, the contribution the proposed development would make towards meeting local housing needs and the proposed biodiversity and landscape improvements. However, they do not outweigh the conflict with policy and the harm that I have identified.
17. The appellant has drawn my attention to development approved by the Council at other locations near the appeal site. However, these relate well to neighbouring houses and generally front on to the street, rather than being located at the back of a service road and surrounded by garages as is the case with the appeal proposal. As such they are not directly comparable. In any case,

I have come to my own view regarding the development rather than relying on the approach the Council may have taken elsewhere.

18. Local residents raised concerns regarding traffic during and after construction, loss of trees and the impact on biodiversity, site stability, emergency service access and privacy. However, these do not add to my reasons for dismissing the appeal.

Conclusion

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

P D Sedgwick

INSPECTOR