
Appeal Decision

Site visit made on 5 June 2024

by S Rawle BA (Hons) Dip TP Solicitor

an Inspector appointed by the Secretary of State

Decision date: 02 July 2024

Appeal Ref: APP/J1860/W/24/3338380

65 Bellars Lane, Malvern, Worcestershire WR14 2DJ

- 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 Premier Building Ventures Ltd against the decision of Malvern Hills District Council.
 - The application Ref is M/23/01521/FUL.
 - The development proposed is the demolition of existing bungalow and erection one pair of semi-detached houses and a detached bungalow including separate double garage.
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Decision

1. The appeal is dismissed.

Main Issue

2. The main issue is the effect of the proposal on the living conditions of the occupants of 63 Bellars Lane, with particular regard to their outlook and loss of light.

Reasons

3. The appeal site comprises a detached single storey dwelling on a large plot with existing dwellings on either side. There has been a recent appeal decision¹ for the same site which is relevant. In that case the Inspector concluded that although the proposal before her would not unacceptably harm the character and appearance of the area, it would harm the living conditions of the occupants of 63 and 67 Bellars Lane (Nos 63 and 67), which are the next-door properties on either side.
4. The appellant has satisfactorily addressed the concerns of the previous Inspector in relation to No 67 by proposing a bungalow on plot 3. However, they have proposed a semi-detached pair of dwellings on plots 1 and 2. The front elevation of Plot 1 generally aligns with the front elevation of No 63 and the two-storey west elevation is located very close to the common boundary.
5. The appellant highlight that although there are several windows on the side elevation of No 63 that face towards the appeal site, only one serves a habitable room which is a secondary window, and the other two windows serve non-habitable rooms. As a result, they set out that there was not such a need to alter the design.
6. However, I am not persuaded that the proposal satisfactorily addresses the previous Inspector's concerns. Although I accept that only one window in the

¹ APP/J1860/W/22/3308712

side elevation facing plot 1 serves a habitable room, which is a living room, it is not significantly smaller than the window in the elevation facing the road and as a result it is important to ensure that the habitable room receives adequate light and enjoys a satisfactory outlook. Moreover, due to the configuration of No 63, the main door is also in the side elevation facing towards plot 1.

7. Given the close proximity of the proposed side elevation of plot 1 to the window serving the habitable room of the neighbouring dwelling, the outlook from the living room and for anyone leaving No 63 would be of a two-storey blank wall which would appear overbearing and over dominant. This would significantly harm the living conditions of the occupants of No 63.
8. Moreover, given the position of the window serving the habitable room relative to the proposed development and the trajectory of the sun, the proposed development would lead to the unacceptable loss of daylight from the living room, especially during the morning. Again, this would significantly harm the living conditions of the occupants of No 63.
9. I therefore conclude that the proposed development would harm the living conditions of the occupants of 63 Bellars Lane, due to the unacceptable impact it would have on their outlook and due to the loss of light from a habitable room. Consequently, the proposal would be at odds with Policy SWDP21 of the South Worcestershire Development Plan adopted February 2016 and Policy MH2 of the Malvern Town Neighbourhood Plan 2015-2030, August 2019 which among other things seek to ensure that development should provide adequate outlook, sunlight and daylight, should not be unduly overbearing or harm the amenity of adjacent residents and occupiers.
10. The proposal would also be at odds with the National Planning Policy Framework which seeks to ensure that developments create places with a high standard of amenity for existing and future users.

Other Matters

11. I have taken account of the fact that the proposal would result in the more efficient use of the appeal site in a suitable location. However, that does not outweigh the harm the proposal would have on the living conditions of neighbouring occupants as set out above.

Conclusion

12. The proposal conflicts with the development plan and the material considerations do not indicate that the appeal should be decided other than in accordance with it. I therefore conclude that the appeal should be dismissed.

S Rawle

INSPECTOR