



Appeal Decision

Site visit made on 26 February 2024 by N Manley BA (Hons)

Decision by S Edwards BA MA MATCP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 15 July 2024

Appeal Ref: APP/D1835/D/23/3332096

11 Shap Drive, Warndon, Worcester WR4 9NZ

- 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 Mr Aron Davis against the decision of Worcester City Council.
 - The application Ref 23/00361/HP, dated 25 April 2023, was refused by notice dated 26 June 2023.
 - The development proposed is proposed first floor side extension and a one bedroom annexe and garage in rear garden.
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Decision

1. The appeal is dismissed.

Appeal Procedure

2. The site visit was undertaken by a representative of the Inspector whose recommendation is set out below and to which the Inspector has had regard before deciding the appeal.

Preliminary Matters

3. The Government published a revision of the National Planning Policy Framework (the Framework) in December 2023. Whilst I have had regard to the revised national policy as a material consideration, planning decisions must still be made in accordance with the development plan unless material considerations indicate otherwise. In this instance, the issues most relevant to the appeal remain unaffected by the revisions to the Framework. I am therefore satisfied that there is no requirement to seek further submissions on the revised Framework, and that no party would be disadvantaged by such a course of action.
4. The description of development as detailed on the application form has been amended in subsequent documents. I have used the description used in the Council's decision notice as it describes accurately the appeal proposal, but have omitted the reference to 'retrospective permissions' from the banner heading, which does not relate to an act of development.
5. The development for which permission is sought has largely been completed and accords with the plans before me. I have considered the appeal on this basis.

Main Issues

6. The main issues are:

- The effect of the proposal on the character and appearance of the surrounding area, including a protected tree;
- Whether the development has been designed as ancillary annexe accommodation;
- Whether the appeal scheme provides satisfactory living conditions for existing and future occupiers of the development, with particular regard to outdoor amenity space; and
- The effect of the proposal on the living conditions of neighbouring residents, with particular regard to noise and disturbance.

Reasons for the Recommendation

Character and Appearance

7. The appeal site lies within an established residential area predominantly defined by two-storey terraced houses, which are set back from the road and feature rear gardens. The uniform design and style of the properties provides the area with a consistent pattern of development and distinct suburban feel. There are also several mature and established trees, which contribute positively to the character and appearance of the area.
8. The appeal development includes the erection of a first floor side extension and a 'L' shaped building, spanning the width of the rear garden, which has been constructed to house a garage and annexe. The development is finished with timber cladding and black power-coated windows and doors. The Council's concerns relate specifically to the outbuilding in the rear garden and I shall therefore restrict my further consideration to this aspect of the appeal.
9. The site coverage of the annexe, combined with the adjoining garage, represents a substantial intensification of development on the plot, which significantly reduces the amount of space available for soft landscaping and detracts from the established pattern of development in the area. This is detrimental to the existing character and appearance of the surrounding area.
10. Moreover, the development has been constructed within close proximity to a mature Oak tree (T2) protected by a Tree Preservation Order, which is situated within the grounds of the adjacent primary school. This tree is substantial in size and is highly visible within the public realm. It thus makes an important and positive contribution to the visual amenity and character of the area.
11. As the development has been constructed within the root protection area of T2, the Council is concerned that damage may have been caused to the tree's root system. In the absence of detailed arboricultural evidence to the contrary, I cannot be satisfied that the development has been carried out without causing irreversible harm to the long-term health and wellbeing of T2. Due to its important visual contribution to its surroundings, the loss of this protected tree would be detrimental to the character and appearance of the locality.
12. Given the above, I find the development causes unacceptable harm to the character and appearance of the surrounding area, including the protected tree, and therefore conflicts with Policies SWDP 21 and SWDP 22 of the South Worcestershire Development Plan (adopted February 2016) (SWDP). These notably seek to ensure that development proposals compliment the character

of the surrounding area and prevent development which may compromise an important individual tree.

Whether Ancillary Accommodation

13. The South Worcestershire Design Guide Supplementary Planning Document (adopted March 2018) (SPD) sets out specific criteria for proposals to provide additional residential accommodation for use by a dependent relative. The form and layout should be such that the development could be used in future as part of the main residential property. Additionally, the SPD makes it clear that ancillary accommodation should only provide limited accommodation and it should share facilities such as kitchens, outside amenity space and parking with the main property, and be physically linked.
14. From my observations on site, and from assessing the plans before me, it is evident that the outbuilding comprises a kitchen/lounge, a separate bedroom, and a wetroom. The development is not physically linked to the host dwelling, which enables the appeal building to be used as self-contained residential accommodation independent of the main property. Although the plot is not shown to be subdivided to create separate residential units, the design, scale and siting of the outbuilding gives the appearance of a separate dwelling, lacking subservience in relation to the main property. Furthermore, no substantive evidence has been presented to demonstrate the existence of a functional link between the occupiers of the main property and the outbuilding.
15. Having regard to the available information, I find that the appeal building does not display sufficient physical and functional links with the main dwelling to be considered as an annexe for a dependent relative. The development has not been designed as ancillary annexe accommodation and consequently fails to accord with the design aims of Policy SWDP21 of the SWDP and the SPD.

Living conditions – Outdoor Amenity Space

16. The site coverage of the outbuilding, combined with the adjoining garage, leaves very limited usable space for the provision of amenity space and domestic paraphernalia such as clothes drying facilities. The current arrangement therefore results in inadequate amenity space provision for existing and future occupiers of the development. Although the appellant suggests that the front of the main dwelling could be used as usable amenity space, the plans and consultation response from the Local Highway Authority confirm that this area would to a large extent be used for car parking.
17. Accordingly, the appeal scheme fails to provide satisfactory living conditions for existing and future occupiers of the development, with particular regard to outdoor amenity space. It is thus in conflict with Policy SWDP 21 of the SWDP, which notably seeks to ensure developments integrate effectively with surroundings and have good design and layout. Furthermore, it also conflicts with the SPD, which not only outlines specific size requirements for private amenity space but also aims to ensure that developments provide a good quality of life for residents through the provision of usable private amenity space.

Living Conditions – Noise and Disturbance

18. The immediate neighbouring properties are 13 Shap Drive (no 13), which adjoins no 11 along the same terrace, with its rear garden directly adjacent to that of no 11. Across the passageway is the boundary of 9 Shap Drive (no 9), and whose rear garden is similarly laid out. The Council expresses concern that the intensification associated with the appeal development could negatively impact neighbouring properties through increased noise and disturbance.
19. However, any potential increase in the number of occupants would not be substantial, and the likelihood of noise affecting the neighbouring properties' amenities would consequently be minimal. Therefore, I am of the opinion that the occupiers of neighbouring properties, particularly numbers 9 and 13, would not suffer significant harm from noise and disturbance as a result of the appeal development
20. On the basis of the above, the proposal would not cause unacceptable harm to the living conditions of neighbouring residents in terms of noise and disturbance and thus complies with Policy SWDP 21 of the SWDP. Amongst other things, this policy seeks to ensure there is no unacceptable detrimental impact on the amenity of neighbouring residents resulting from new development.

Conclusion and Recommendation

21. The development does not accord with the Development plan when it is considered as a whole. For the reasons given above, I recommend that the appeal should be dismissed.

N Manley

APPEAL PLANNING OFFICER

Inspector's Decision

22. Whilst no harm has been identified with regard to the effect of the development on the living conditions of neighbouring residents, this is outweighed by the harm caused in other respects. There are no material considerations which indicate that the appeal should be determined, other than in accordance with the development plan. I have considered all the submitted evidence and my representative's recommendation and on that basis the appeal is dismissed.

S Edwards

INSPECTOR