

Appeal Decision

Site visit made on 18 July 2024

by G Powys Jones MSc FRTPI

an Inspector appointed by the Secretary of State

Decision date: 08 August 2024

Appeal Ref: APP/H1840/D/24/3344743
25 Hawthorn Road, Evesham, WR11 1HP

- 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 Hillary Steadman against the decision of Wychavon District Council.
 - The application Ref is W/24/00550/HP.
 - The development proposed is a new single storey annex side extension to form new principal front elevation.
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Decision

1. The appeal is allowed and planning permission is granted for the construction of a new single storey annex side extension to form new principal front elevation at 25 Hawthorn Road, Evesham, WR11 1HP in accordance with the terms of the application Ref W/24/00550/HP subject to the conditions set out in the attached Schedule.

Preliminary and procedural matters

2. Shortly before the Council's determination of the application, the appellant submitted amended plans. The Council, however, has since confirmed that the application was determined on the basis of the originally submitted plans. The amended plans, submitted with the appeal documentation, show the appellant's attempts to reduce or mitigate the impact of the originally submitted scheme.
3. I have considered the appellant's proposed amendments under the principles established by the Courts in *Wheatcroft*¹. The plans show modest changes from the originally submitted plans, and I am satisfied that no-one's interests would be prejudiced if I were to consider them as part of the appeal.
4. The appellant has made an application for costs against the Council. This is the subject of a separate decision.

Main issue

5. The main issue is the effect of the proposed development on the character and appearance of the host property and its surroundings.

¹ Bernard Wheatcroft Ltd v SSE [JPL, 1982, P37].

Reasons

6. The appeal property is a bungalow set within a fairly modern residential estate comprised of dwellings of varying designs. It is located at the end of a private, shared drive which itself extends from a turning head, being the end of a lengthy, tortuous cul-de-sac, wherein the building line varies along its length.
7. Its secluded position is such that the bungalow is largely sheltered from view. The annex however would extend into part of the front garden, between the bungalow and its associated garage. The extension would be seen when viewed from the east, in particular from part of the public highway at the end of the cul-de-sac.
8. However, that which would be seen should not in my view be perceived as visually objectionable. In this regard, whilst noting the Council's calculation as to the increase in floorspace, the extension would have a lower ridge level than the extant bungalow, be modest in scale, and would prove to be visually subservient and proportionate to the host property, with matching openings.
9. Whilst most of the currently planted part of the front garden would be taken up by the development, sufficient garden area remains at the rear to ensure that future residents would have an adequate level of amenity space. There would also be a loss of openness at the end of the private drive, but its loss would have a very limited effect and would not prove significant in terms of local placemaking.
10. I therefore conclude that the proposal, if built, would sit acceptably in its visual and spatial contexts without harming the character and appearance of the host property or the surrounding area. Accordingly, no material conflict arises with the main objectives of policy SWDP21 of the South Worcestershire Development Plan, since the extension is of a high-quality design, integrating effectively with its surroundings, and in keeping with the architectural characteristics of the original property and its surroundings.

Conditions

11. The Council's suggested condition that the development shall be carried out in accordance with the approved plans shall be imposed in the interests of certainty, as will a condition relating to materials, in the interests of visual amenity.
12. The scheme is proposed as an annex, and because of its' intrinsic design is capable of being easily separated from the host property. Although the Council has not suggested that one is necessary, a condition regulating its use and occupation is imposed in the interests of clarity and to ensure that the annex is not occupied as an independent unit of accommodation.

Other matters

13. I have considered the representations made by residents living in Cherry Close, west of the site, concerned about possible effects to their living conditions. Cherry Close is separated from the appeal property by a wide public footpath and by two sets of garden fencing. Whilst the roof of the extension would be seen from the rear of the Cherry Close dwellings it would not appear dominant.

For the same reasons as set out in the Council's officer report, I do not consider that residential living conditions would be adversely affected.

14. I note the Council's comments as to the internal design of the scheme, but it is meant as an annexe for an elderly person who would be able to continue to enjoy a measure of independence whilst being otherwise cared for by members of her family.
15. I note the representations made in respect of the reasons for the proposal involving the personal circumstances of the appellant and her extended family. The appeal, however, has been determined strictly on its planning merits and the personal circumstances cited have attracted little weight.
16. I have taken account of all other matters raised, including the Council's references to the relevant Design Guide², but no other matter raised is of such strength or significance as to outweigh those considerations that led me to my conclusions.

G Powys Jones

INSPECTOR

Schedule of Conditions

1. The development hereby permitted shall begin not later than three years from the date of this decision.
2. The materials to be used on the external surfaces of the development hereby permitted shall match those of the existing dwelling.
3. The development hereby permitted shall be carried out in accordance with the following approved plans: Location Plan and Plan Ref: 650/001A; 650/002; 650/003A & 650/004A.
4. The annex hereby permitted shall be used only for purposes incidental to the residential use of the property known as 25 Hathorne Road, Evesham.

² South Worcestershire Design Guide Supplementary Planning Document (March 2018)