



Appeal Decision

Site visit made on 7 October 2024

by P D Sedgwick BSc (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 24 October 2024

Appeal Ref: APP/J1860/W/24/3346697

2 Hayslan Avenue, Malvern, Worcestershire, WR14 2RF

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a failure to give notice within the prescribed period of a decision on an application for planning permission.
 - The appeal is made by Miss Grace Watts & Mr William Manuschka against Malvern Hills District Council.
 - The application Ref is M/24/00484/FUL.
 - The development proposed is a 3 bedroom dwelling to replace an existing bungalow now demolished.
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Decision

1. The appeal is dismissed.

Preliminary Matter

2. Although this appeal is against the failure of the Authority to give notice of its decision on the application within the prescribed period, I have received as part of the Authority's submissions a statement which sets out that, had it been in a position to determine the application, it would have refused planning permission on the grounds that the proposed development would be harmful to the character and appearance of the surrounding area. I have therefore dealt with the appeal on this basis.

Main Issue

3. The main issue is the effect of the proposed development upon the character and appearance of the surrounding area.

Reasons

3. The appeal site is located at the end of Hayslan Avenue, close to its junction with Hayslan Road and Outfield Drive, and is currently vacant. Houses on the appeal site side of the road mainly comprise detached bungalows set back from the road behind front gardens or drives. Although there are some differences in design, most bungalows have a narrow frontage, hipped roof, and a single front projecting bay with a mock Tudor clad gabled roof extending out from below the main roof. They are orientated with the hipped section of roof facing the road. Their common design features and orientation contributes to a uniform character to this side of the road, which is distinct from the 2 storey mainly semi-detached houses on the opposite side of the road.

4. The proposed 2 storey house would appear out of character with neighbouring bungalows in terms of its height, orientation and design. The roof would be dual pitched with gable ends, rather than hipped, with the ridge aligned with the road such that the house would have a wider frontage than its neighbours. I note the appellants examples of 2 storey development nearby, including opposite the appeal site, at the other end of Hayslan Avenue and on Outfield Drive. However, these developments do not relate to the appeal site in the way that neighbouring bungalows do because of their position within Hayslan Avenue or on other streets nearby and are not therefore directly comparable. Furthermore, I note that the neighbouring property on Outfield Drive is a bungalow, and the proposed development would also appear at odds with that property.
5. Overall, I conclude that the proposed development would be out of character with the street scene and therefore conflict with Policy SWDP21 of the South Worcestershire Development Plan (2016), Policy MD1 of the Malvern Town Neighbourhood Plan (2019) and paragraphs 128, 131 and 133 of the National Planning Policy Framework (2023) (the Framework) which encourage high quality design that complements the character of the area.

Planning Balance

6. The Council cannot currently demonstrate a five-year supply of deliverable housing sites as required by the Framework. Consequently, paragraph 11 (d) of the Framework is engaged. It requires that planning permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole.
7. The Framework identifies the overall purpose of the planning system is to contribute to the achievement of sustainable development and that good design is key to achieving that. The proposal would not create the high-quality design that is sympathetic to local character that the Framework seeks to ensure. It would not therefore be sustainable development.
8. The proposal would provide jobs during construction, which weighs in favour of the development. Given that the proposal is a revised scheme for a replacement dwelling, for which there is an extant permission, there would be no net gain in terms of housing land supply. In my view, the identified harm to the character and appearance of the area demonstrably outweighs the benefits, when assessed against the policies in the Framework taken as a whole. Thus, the proposal would not be sustainable development for which the Framework indicates a presumption in favour.

Other Matters

9. I note the appellant's concerns over the time it took to determine the application and a lack of dialogue with the Council during the application process. However, procedural issues such as this must remain a matter between the main parties.

Conclusion

10. For the reasons given above, and having regard to all matters raised, I conclude that the appeal should be dismissed.

P D Sedgwick

INSPECTOR