



Appeal Decision

Site visit made on 3 January 2025

by N Praine BSc (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 15 January 2025

Appeal Ref: APP/D1835/W/24/3351143

Land off Diglis Road, Worcester WR5 3BW

- 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 OTB Designs Ltd against the decision of Worcester City Council.
 - The application Ref is 24/00017/FUL.
 - The development proposed is described as the construction of a detached dwelling.
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Decision

1. The appeal is allowed and planning permission is granted for the construction of a detached dwelling at Land off Diglis Road, Worcester WR5 3BW in accordance with the terms of the application, Ref 24/00017/FUL, subject to the conditions in the attached schedule.

Preliminary Matters

2. The proposal lies within the Field Terrace Conservation Area ("the CA"). Section 72 (1) of the Planning (Listed Building and Conservation Areas) Act 1990 places a duty on decision makers with respect to any buildings or land within a Conservation Area, to pay special attention to the desirability of preserving or enhancing the character or appearance of that area.

Main Issues

3. The main issues are:
 - Whether the proposed development would preserve or enhance the character or appearance of the area including the CA; and
 - The effect of the development on the living conditions of future occupiers.

Reasons

Character and Appearance

4. The appeal site is currently undeveloped and to one side a traditionally designed brick building under a pitched roof can be found. This neighbouring building features both red brick and white painted elevations and is identified as 35/37 Diglis Road on the proposed drawings. To the other side of the appeal site, a modern rendered building with curved edges, timber detailing, and a flat roof is sited and this is identified as Belvedere, Diglis Road.

5. The wider character of the area includes traditionally designed buildings, however there is a scattering of more modern buildings within the locality. The materials of existing buildings also vary with examples of white painted and rendered buildings, a black painted building and red brick buildings. Some of the other buildings also feature timber detailing such as the buildings in the Wharf and Belvedere. These features all add to the interest in this part of the CA.
6. The significance of this part of the CA is defined, in part, by the historical links to the industrial corridor of the Worcester and Birmingham Canal and the fashionable 19th century society of Bath Road. Diglis Road has been built in stages with redevelopment of some plots, over time, reflecting changing tastes and social conditions. This variation gives the observer a thought-provoking insight into the evolution of this part of Worcester.
7. The existing boundary wall, which abuts Diglis Road, would be retained with the proposed dwelling set just behind this existing wall. The close siting to Diglis Road is reflective of the adjacent dwelling Belvedere. Additionally, the buildings opposite the appeal site also sit close to Diglis Road.
8. As one travels from the Anchor pub past the appeal site and up toward the Bath Road, some buildings are set back along this side of the road, the building line varies, some of these dwellings also do not face onto the road. Others, although set back, have high facing boundary treatments which abut the pavement. On arrival at the junction with Bath Road we are met with a distinctive building formally known as the Albion Pub, which also abuts the pavement.
9. The proposed development would sit just before the corner; while it would be set forward, it would respond to the local street scene by bookending with the forward siting of the former Albion Pub along this varying section of Diglis Road. In addition, its siting would complement the dwellings opposite as well as Belvedere functioning as a transition between 'Belvedere' as one goes into or comes out of the bend.
10. I note that the proposed dwelling would be more modest in height and size than some neighbouring buildings, sitting in a more humble sized plot. However, building heights, widths and plot sizes vary along this stretch of Diglis Road. The former Albion Pub stands at a prominent height, however, the buildings step up and down in height as one travels away from this building toward the appeal site. While the dwelling as proposed is moderately lower than Belvedere in height, given its closer siting to this existing building rather than the other taller buildings in Diglis Road, the proposed lower scaled building would not appear contrived or alien in this context or when set against the wider gently mixed streetscape, as set out in the preceding paragraphs.
11. The proposed building would also be of modern design, finished in white render with timber aspects. This design response nods to some of the other existing buildings in the locality and would be complementary to the evolution of this part of Diglis Road. This therefore safeguards the established character, appearance, and identity of the street scene.
12. Therefore, when viewed in the context of the wider streetscape, the proposed development would sympathetically add some variation while protecting local distinctiveness, its sense of place, historic quality and significance.

13. The proposed development would therefore preserve the character or appearance of the area including the CA. As a result, it complies with the relevant provisions of Policies SWDP6, SWDP21 and SWDP24 of the South Worcestershire Development Plan 2016 ("the Development Plan"). These, amongst other things, look to preserve or enhance the significance of heritage assets.

Living Conditions

14. An outdoor amenity space would be located to the side of the proposed dwelling next to Nos 35/37. It would extend from the side of the proposed dwelling and would include garden and patio areas. From the evidence before me, the outdoor amenity space would be a sufficient size for a one-bedroom dwelling to accommodate passive recreational activities, such as sitting out, private entertaining or external drying of clothes.
15. There are windows in the adjoining building at No 35 which face onto the development and these would have some views onto the proposed outdoor amenity space. While this is noted, privacy within urban areas often varies and the site is located near to the city centre. In such areas a degree of overlooking would be expected, provided it does not adversely affect privacy.
16. In this case, there are level changes across the site, and the neighbouring windows are offset with separation from the primary amenity areas. These features would reduce their impact. Taking all these factors into account, as a matter of fact and degree, the opportunities for direct and penetrating overlooking into the proposed outdoor amenity space would not amount to an unacceptable level.
17. The proposed development would therefore provide adequate living conditions for future residential occupants. It would comply with the relevant provisions of Policy SWDP21 of the Development Plan. This, amongst other things, addresses the need for high quality design for future occupiers.

Other Matters

18. The proposed development would be modest in dimensions and scale, and it would be set within the appeal site. Neither Worcestershire County Council Highways or the Council have any objections regarding traffic visibility and in the absence of any contradictory evidence, I am inclined to agree.

Conditions

19. The Council has suggested a list of eight conditions which I have considered and where necessary amended in line with national policy and guidance. In the interest of certainty, conditions specifying time and the approved plans are required. The incorporation of appropriate materials would be essential to the success of this proposed development and how it would integrate into the CA. Therefore, this condition is also necessary.
20. An archaeology condition is required as the proposed development may affect heritage assets of known archaeological significance. A condition to secure opportunities for nesting birds and landscaping for biodiversity enhancements is necessary and to ensure that the development would be in keeping with the character or appearance of the area. Conditions limiting the provisions of the General Permitted Development Order 2015 are also necessary given the location and site constraints.

21. Conditions ensuring the submission and implementation of a Site Construction Environment Management Plan or Construction Method Statement are also necessary in the interests of adequate on-site facilities and highway safety.

Conclusion

22. For the above reasons, having regard to the development plan as a whole and all other relevant considerations, the appeal is allowed subject to the conditions listed in the attached schedule.

N Praine

INSPECTOR

Schedule of Conditions (8 in total)

1. The development hereby permitted shall begin not later than 3 years from the date of this decision.
2. The development hereby permitted shall be carried out, completed, and retained in accordance with the following approved plans except where otherwise stipulated by conditions attached to this permission: D01 and D20.
3. No development above ground shall take place until details of types and colours of all external materials have been submitted to and approved in writing by the Local Planning Authority. Once approved, the development shall be carried out in accordance with the approved details and retained as such.
4. (A) No development shall take place until a programme of archaeological work, including a Written Scheme of Investigation, has been submitted to and approved by the Local Planning Authority in writing. The scheme shall include an assessment of significance and research questions; and:
 - 1) The programme and methodology of site investigation and recording;
 - 2) The programme for post investigation assessment;
 - 3) Provision to be made for analysis of the site investigation and recording;
 - 4) Provision to be made for publication and dissemination of the analysis and records of the site investigation;
 - 5) Provision to be made for archive deposition of the analysis and records of the site investigation; and
 - 6) Nomination of a competent person or persons/organisation to undertake the works set out within the Written Scheme of Investigation.

(B) The development shall not be occupied until the site investigation and post investigation assessment has been completed in accordance with the programme set out in the Written Scheme of Investigation approved under condition (A) and

the provision made for analysis, publication and dissemination of results and archive deposition has been secured.

5. No development above ground shall take place until, details of the provision of at least 2 no. nesting opportunities for birds (e.g. house sparrow terraces, starling boxes, swift bricks or house martin nest cups on the north or east-facing elevations) externally mounted on the dwelling or within a suitable tree, have been submitted to and approved in writing by the Local Planning Authority. The details shall include a drawing showing the types of features, their locations within the site, including elevations and heights and a timetable for their provision. The approved details shall be implemented prior to first occupation of the development hereby approved, and thereafter permanently retained.
6. Prior to first occupation of the development hereby approved, a comprehensive landscape scheme shall be submitted to and approved in writing by the Local Planning Authority, with biodiversity enhancements (including species-rich planting of native wildflowers and native hedgerow) and a 5-year maintenance plan. It must show details of all planting areas, tree and plant species, numbers, and planting sizes. The proposed means of enclosure and screening should also be included, together with details of any mounding, walls and fences and hard surface materials to be used throughout the proposed development. The entire landscaping scheme shall be completed by the end of the planting season immediately following the completion of the development or the site being brought into use, whichever is the sooner.

Any trees or plants shown on the approved landscaping scheme to be planted or retained that die, are removed, are damaged or become diseased, or grassed areas that become eroded or damaged, within 5 years of the completion of the approved landscaping scheme, shall be replaced by the end of the next planting season. Replacement trees and plants shall be of the same size and species as those lost, unless the Local Planning Authority approves alternatives in writing.

7. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any other order revoking and re-enacting that Order with or without modification), the approved dwelling shall not be extended, nor shall any structures be erected within the curtilage of the dwelling without the grant of further specific planning permission from the Local Planning Authority.
8. No development shall take place, including any demolition works, until a Construction Management Plan or Construction Method Statement has been submitted to and approved in writing by the Local Planning Authority. The approved plan/statement shall be adhered to throughout the demolition/construction period. The plan/statement shall provide for:
 - 24 hour emergency contact number;
 - Hours of operation;
 - Parking of vehicle of site operatives and visitors (including measures taken to ensure satisfactory access and movement for existing occupiers of neighbouring properties during construction);
 - Routes for construction traffic;

- Locations for loading/unloading and storage of plant, waste and construction materials;
- Method of preventing mud being carried onto the highway;
- Measures to protect vulnerable road users (cyclists and pedestrians);
- Any necessary temporary traffic management measures;
- Arrangements for turning vehicles;
- Arrangements to receive abnormal loads or unusually large vehicles; and
- Methods of communicating the Construction Management Plan or Construction Method Statement to staff, visitors and neighbouring residents and businesses.

End of Schedule