



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: 23 January 2025

Appeal Ref: APP/D1835/W/24/3353486

Rear of 37 Lowesmoor, Worcester

- 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 Ball Holdings Ltd against the decision of Worcester City Council.
 - The application Ref is 24/00357/FUL.
 - The development proposed is described as redevelopment into residential unit.
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Decision

1. The appeal is allowed and planning permission is granted for redevelopment into residential unit at Rear of 37 Lowesmoor, Worcester in accordance with the terms of the application, Ref 24/00357/FUL, subject to the conditions in the attached schedule.

Preliminary Matters

2. The views of the main parties were sought following the publication of the revised National Planning Policy Framework on 12 December 2024. Their responses have been taken into account in this decision.

Main Issue

3. The main issue is the effect of the proposed development upon the living conditions of future residential occupants with particular reference to light and outlook.

Reasons

4. Residential occupiers should be able to enjoy good quality outlook to the external environment from habitable rooms. Additionally, the importance of natural light in homes is widely understood, these include the reduction in a reliance on electric lighting and the physical and mental health benefits that daylight brings.
5. The proposed kitchen / living area would be open plan served by a double-glazed door, two full length glazed sections either side of this door, two high level windows and two roof lights. Outlook would be achieved from this kitchen / living area through the full length windows and glazed door, and less so from the other high-level windows. Some, albeit more limited outlook, would also be possible from the roof lights. Light would also enter through these openings. As a matter of fact, and degree this would be a suitable level of glazing to secure adequate outlook and sufficient light to the kitchen / living room.

6. The bedroom would be served by two high level windows and a roof light, and these windows would provide views to the outside as well as allowing light to enter the room. I acknowledge that these windows would be at a higher level, however I have also considered their size, position, and the in-combination effect of all three windows in relation to the layout and use of the room. Therefore, while this consideration would be at the outer limits of acceptability, as a matter of fact and degree, this would be a suitable level of glazing to secure adequate outlook and sufficient light to the bedroom.
7. The bathroom would not provide adequate light or outlook. However, given its status as a washroom, this would not amount to unacceptable harm in this respect. The proposed development would therefore provide adequate living conditions for future residential occupants with particular reference to light and outlook. It would comply with the relevant provisions of Policy 21 of the South Worcestershire Development Plan (2016). This, amongst other things, addresses the need for high quality design for future occupiers.

Other Matters

8. The appeal site is within the boundary of the Lowesmoor conservation area ("the CA"). It also stands at the end of a run of four grade II listed buildings – Nos.31-37 – and opposite a further range of grade II listed buildings – Nos.24-34. The significance of these heritage assets are defined, in part, by the close-knit rows of buildings representative of the late 18th and early 19th century red brick terraces of Worcester.
9. The changes to the proposed building would mostly be internal, with external changes being modest in scale and appearance. The Council does not object to the proposed development on the basis of any harm to the significance or setting of the CA or listed buildings and I am inclined to agree. The character or appearance of the CA would therefore be preserved as would the settings of the listed buildings and their features of special architectural or historic interest.

Conditions

10. The Council has suggested a list of twelve 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 needed. The details of materials, finishes, rooflights, windows, doors, means of enclosure and landscaping are necessary to ensure the visual success of this proposed development and its integration into the locality.
11. A bat assessment condition is necessary to ensure the development contributes to the conservation and enhancement of biodiversity within the site and the wider area. I have imposed a condition to control the hours of construction works in the interests of the living conditions of neighbouring occupants. Conditions to agree cycle parking and refuse storage are required. A condition to agree surface water drainage to ensure satisfactory drainage of the site and to prevent the increased risk of flooding is also necessary. I have also imposed a condition regarding renewable / low carbon energy to mitigate the impact of climate change.

Conclusion

12. 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 (12 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: PLAN MAB 1 and PLAN MAB 2[A].
3. Prior to the commencement of the development, samples and full particulars of all external facing materials to be used in the development shall be submitted to and approved in writing by the Local Planning Authority. The development shall not be carried out other than in accordance with the approved details.
4. Prior to the commencement of the development, detailed plans and sections of the proposed rooflights, windows and doors at a scale of 1:20 together with details of proposed finishes shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.
5. Prior to the commencement of the development hereby permitted a Bat Assessment shall be submitted to and approved in writing by the local planning authority.
6. No construction works shall take place on any Sunday, Bank Holiday or Public Holiday, and such works shall only take place between the hours of 08.00 to 18.00 weekdays and 08.00 to 14.00 Saturdays. No plant, machinery or equipment associated with such works shall be started up or operational on the development site outside of these permitted hours.
7. The development hereby approved shall not be occupied until sheltered, secure and accessible cycle parking has been provided in accordance with details to be submitted to and approved in writing by the Local Planning Authority. Thereafter the provision shall be retained for the purposes of cycle parking only at all times.

8. Development shall not take place until a scheme of surface water drainage, which shall include proposals for sustainable drainage, (SuDS), has been submitted to, and approved in writing by the Local Planning Authority. The approved scheme shall be completed before the development is first brought into use, or in accordance with a timetable to be submitted to and agreed in writing by the Local Planning Authority. Once installed and completed, the approved scheme shall thereafter be maintained and remain in use.
9. The development hereby approved shall not be occupied until refuse storage facilities been provided in accordance with details to be submitted to and approved in writing by the Local Planning Authority. The refuse storage facilities shall be retained at all times.
10. No development shall take place until details of all fences and other means of enclosure have been submitted to and approved in writing by the Local Planning Authority. The approved details shall be completed prior to the occupation of the development.
11. Prior to the occupation of the development hereby approved, a detailed Landscaping Plan shall be submitted to and approved in writing by the Local Planning Authority. Once approved the landscaping works shall be carried out in accordance with the approved details.
12. The development shall be carried out in accordance with the approved energy details within the Access & Design Statement. The approved details, showing the incorporation of energy generation from renewable or low carbons sources equivalent to at least 10% of predicted energy requirements, shall be implemented and operational prior to the first occupation of the development.

End of Schedule