



Appeal Decision

Site visit made on 7 January 2025

by **P D Sedgwick BSc (Hons) DipTP MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 29 January 2025

Appeal Ref: APP/D1835/W/24/3349631

Land adj 2 Albert Road, Worcester, WR5 1EB

- 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 Mr Mohammed Sajad against the decision of Worcester City Council.
 - The application Ref is 23/00665/FUL.
 - The development proposed is demolition of garage/shed and erection of dwelling.
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Decision

1. The appeal is dismissed.

Preliminary Matter

2. Subsequent to the refusal of permission for the proposed development the Government published its revised National Planning Policy Framework (the Framework) in December 2024. The wording of the relevant paragraphs of the new Framework are similar to that of the 2023 version. Therefore, it has not been necessary to seek comments from the parties on the revised Framework, which I have referred to in my decision.

Main Issues

3. The main issues are the effect of the proposed development upon:
 - the character and appearance of the surrounding area;
 - highway safety; and,
 - the living conditions of occupiers of neighbouring dwellings, with particular regard to daylight, sunlight and outlook.

Reasons

Character and appearance

4. The appeal site is a plot of land between 4 Albert Road and 2 Albert Road. No 2 is a semi-detached house on the corner of Albert Road and Wyld's Lane. The appeal site comprises a concrete parking space adjacent to No 4, a flat roofed garage next to it and an adjacent garden surrounded by a low brick wall and separated from the rear of No 2 by a garden access path. The garden forms a visual break between No 2 and No 4. It is a similar depth to rear gardens along Wyld's Lane and enables

views across them from Albert Road giving the gap between the houses an open and verdant appearance that contributes positively to the street scene.

5. The proposed development would replace the parking space and garage with a 2 storey detached house. Part of the existing garden would be retained but a section of wall would be demolished allowing access to 2 new off road parking spaces with a vehicle cross over. The parking spaces and garden area would retain enough of a gap between the proposed new house and No 2 to enable views across the rear gardens of houses on Wyld's Lane such that it would not unacceptably harm this aspect of the streetscape.
6. Houses on Albert Road share common features which contribute to the character and appearance of the street. They include ground floor bay windows and decorative mouldings around doors and windows. Windows have a vertical emphasis, are similarly sized and at first floor level are in pairs positioned just below the eaves. These features give houses at the appeal site end of the road a pleasing uniformity and rhythm. The proposed scheme would be constructed of red Worcester brick, matching that of other houses, and include rendered horizontal panels which replicate the white banding on the front elevation of some houses. The front garden is the same depth as front gardens of other houses, most of which are paved without any landscaping. However, the house design does not include the features that I have described which contribute most to the character and appearance of the area. In particular, windows lack the height and vertical emphasis of other windows on houses nearby and on the first floor they are positioned substantially below the eaves, interrupting the rhythm that I have described as important and giving the proposed house an awkward appearance.
7. Overall, I conclude on this main issue that the proposed development would conflict with Policy SWDP21 of the South Worcestershire Development Plan (2016) (SWDP), the guidance in the South Worcestershire Design Supplementary Planning Document (2018) (SPD) and the Framework which require development to be of a high quality that reinforces local distinctiveness.

Highway safety

8. Kerbside parking occurs on both sides of Albert Road. There are parking controls at the junctions with adjoining roads which reduces on street parking to some extent and there is little scope for off street parking at the appeal site end of the road because front gardens are too small. At the time of my visit, in the morning when parking pressure would be expected to be relatively low, there were few parking spaces available indicating a high demand for on street parking. The road is relatively narrow preventing cars from passing each other unless they can pull into the side of the road to let traffic pass.
9. The proposed development includes 2 off street parking bays but would result in the loss of an existing parking space and garage and I note that the appellant calculated that there would be no net gain in on-site parking on the planning application form. However, the highways authority's Streetscapes Design Guide (2022) (SDG) does not include garages as parking spaces, because of their potential for conversion into habitable space, so in this case there would be a net gain of one parking space, but that would fall short of the minimum requirement for 2 spaces as set out in the SDG.

10. The appellant confirmed that the dimensions of the parking spaces meet the minimum width requirements and slightly exceed the minimum length requirements in the SDG. However, the SDG notes that residential bay parking will require additional circulation space beyond the minimum requirements and wider spaces should be provided where they are located against a wall or boundary structure, which is the case for both parking spaces. I therefore share the Council's concern that the proposed parking layout may not be adequate for 2 cars given the need for enough space to open doors, enter and exit them, and to load and unload vehicles parked there.
11. Several representations referred to Houses in Multiple Occupation in the street adding to parking pressures, including at 2 Albert Road, which it is suggested was required to provide 2 off road parking spaces on the appeal site, although no evidence has been provided to confirm that. Nonetheless, I consider the loss of an existing parking space, and doubt over whether the proposed layout would enable 2 cars to park off the street, would likely cause an unacceptable increase in on street parking pressure in an area with existing high demand. Increased conflict for parking spaces, particularly close to a junction and on a road that is too narrow to allow cars to pass each other, would adversely effect highway safety.
12. The SDG allows for reduced parking standards in highly sustainable locations deemed suitable by the Local Highway Authority and based on evidence presented by the applicant. However, the highway authority does not consider the sustainability of the location sufficient to mitigate the loss of parking in this case. I appreciate that the appeal site is within the wider city area where there would be access to services and facilities, but no evidence has been provided to me of their proximity to the appeal site. Furthermore, I saw no cycle lanes or bus stops nearby. Overall, I conclude on this main issue that the proposed development would conflict with the Framework, Policy SWP 4 of the SWDP and the SDG which require proposals to meet minimum car parking standards and seek to prevent development that would have an unacceptable impact on highway safety.

Living conditions

13. The rear of 2 Albert Road and 226 Wyld's Lane face towards the flank wall of 4 Albert Road which already affects the outlook from them and causes some overshadowing to their rear gardens and windows. The proposed house would be smaller than No 4. It would align approximately with No 4's front elevation but not extend as far back and its roof would be lower. It would be within the foreground of No 4, when viewed from Nos 2 and 226. Although its side walls would be significantly closer, the rooms most affected would be a ground floor lean-to at No 226 and a conservatory at No 2, both of which have a fence immediately in front of them which already impedes the outlook from their windows. The nearest first floor window is at No 2 and that has obscured glass. In my view, the effect on the outlook from both neighbouring properties would not be so significant as to justify withholding planning permission.
14. At the time of my visit, the rear of 2 Albert Road and neighbouring houses along Wyld's Lane were overshadowed by No 4, affecting their ground floor windows and the full extent of their rear gardens. The proposed house would sit closer to the rear of these houses, in particular No 2 and No 266, and would increase the area of shade reaching them, potentially affecting first floor windows and increasing the duration of its impact. The effects would be temporary and would be reduced at

later times of the year when the sun is higher, but in the absence of evidence demonstrating that natural light levels would be acceptable in the rooms affected, I consider that the proposed development would harm the living conditions of occupiers of these houses and it would therefore conflict with Policy SWDP21 of the SWDP, the guidance contained in the SPD and the Framework which require development to provide adequate levels of sunlight and daylight.

Planning Balance

15. 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, having particular regard to key policies for directing development to sustainable locations, making effective use of land, securing well-designed places and providing affordable homes, individually or in combination.
16. The proposed development would provide benefits in terms of contributing towards the Council's housing land supply, sustaining local services and providing jobs during construction, which weigh in favour of the proposal. However, given the small scale of the scheme I do not consider that the limited benefits it would provide outweighs the significant harm to the living conditions of neighbours, highway safety and the appearance of the area. Thus, the proposal would not be sustainable development for which the Framework indicates a presumption in favour.

Conclusion

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

P D Sedgwick

INSPECTOR