
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/24/3352097

29 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 Mrs T Stokes against the decision of Worcester City Council.
 - The application Ref is 23/00717/FUL.
 - The development proposed is extension to form 2 No. additional flats.
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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 Issue

3. The main issue is the effect of the proposed development upon the living conditions of occupiers of the adjoining flats and neighbouring properties, with particular regard to light and outlook.

Reasons

4. The appeal site at 29 Albert Road relates to a 3 storey building with flats on the ground and first floors and in the attic. There is also a basement which is used for storage. Concrete steps at the rear of the building lead up to the entrance to the ground floor flat and are joined to a single storey garage with a flat roof with a brick parapet wall around its edge. A rear tarmac and gravel yard provides space for parking and is accessed from Albert Road along the side of the building. The area is residential with a neighbouring house, 27 Albert Road, to the north and flats on the adjoining Edward Close to the south.
5. The proposed scheme is to demolish the existing garage and build a 2 storey building with one bedroom flats on each floor. They would be accessed independently of No 29. The steps leading up to the existing ground floor flats would also be removed with access instead from the front of the building. They would be

replaced with a flat roofed extension to No 29, described as a link, which would bridge the gap between the proposed building and No 29.

6. The proposed building would be substantially larger than the existing garage, in terms of its width, length and height. It would sit a few metres from the existing ground floor flat bedroom and kitchen windows so that, if retained, views from them would be of its side wall which would have an overbearing effect. The proposed floor plans indicate that the link would extend these rooms and replace the rear facing windows with windows at either end of it so that they would face to the side, away from the proposed flats rather than directly towards them. However, the elevation plans indicate that the link is at basement level, not on the ground floor, and would not therefore extend the ground floor flat. In any case, outlook from both link windows would be poor. Views from the north facing window would be dominated by the side wall of No 27. The south facing window would have walls projecting beyond it on either side, significantly restricting the field of vision from it, so that views would be mainly of those walls and of the neighbouring flats on Edward Close.
7. In terms of daylight and sunlight, the north facing link bedroom window would be directly opposite the 2 storey rear of No 27, with almost no sky visible from it, thus limiting daylight and preventing any direct sunlight from entering the room. The south facing link window would also have limited access to direct sunlight because it would be blocked by the corner of the proposed flats and the neighbouring flats on Edward Close.
8. No 27 has a rear projecting wing that is stepped in from the side wall of the main house next to the only window serving what appears to be a dining room connected to the kitchen on the ground floor of the rear wing. The kitchen windows all face side on to the appeal site. Because of their orientation these windows receive most direct sunlight in the mornings. An existing tree on the boundary between the appeal site and No 27 casts some morning shade to one of the kitchen windows but the sky is visible beyond the tree and above the roof, and to the side, of the existing garage allowing daylight into the rooms even though direct sunlight is restricted. The proposed flats would be directly in front of the kitchen windows. They would dominate views from them, have an overbearing presence and significantly reduce daylight. They would also prevent direct sunlight entering the room connected to the kitchen and to the kitchen window nearest to it, as demonstrated by the appellant's plans. The outlook from other neighbouring buildings would not be significantly harmed by the proposed scheme because of their distance from it, nor would they be affected in terms of daylight or sunlight.
9. Overall, I conclude that the proposed development would result in significant harm to the living conditions of occupiers of the existing ground floor flat at No 29 and the neighbouring house, No 27, in terms of a reduction in daylight, sunlight and an overbearing effect on outlook. The proposal would therefore conflict with Policy SWDP21 of the South Worcestershire Development Plan (2016) and the guidance contained in the South Worcestershire Design Guide Supplementary Planning Document (2018) which require that development should ensure adequate levels of outlook, sunlight and daylight and not be unduly overbearing to neighbours. It would also conflict with the Framework which seeks to secure well designed places with a high level of amenity for existing and future users.

Planning Balance

10. 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.
11. The proposed development would provide benefits in terms of contributing towards the Council's housing land supply in a sustainable location, 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 existing and future occupiers of the proposed flats and neighbouring properties. Thus, the proposal would not be sustainable development for which the Framework indicates a presumption in favour.

Conclusion

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

P D Sedgwick

INSPECTOR