



Appeal Decision

Site visit made on 29 January 2025

by **C Billings BA (Hons) DipTP MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 12th February 2025

Appeal Ref: APP/D1835/W/24/3352435

Land adj 22 Burleigh Road, Worcester WR2 5QT

- 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 Jamil and Mrs Bi against the decision of Worcester City Council.
 - The application Ref is 24/00265/FUL.
 - The development proposed is a two bedroom dwelling.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The description given on the original application form stated the site address and that it was a resubmission with no fee. This does not describe the proposal appropriately. Therefore, I have used the description on the Council's decision notice, as no party would be prejudiced by this.

Main Issues

3. The main issues are the effect of the proposed development on:
 - the character and appearance of the surrounding area;
 - biodiversity;
 - flood risk; and,
 - whether the proposal would have suitable renewable and low carbon energy measures.

Reasons

Character and appearance

4. The appeal site currently forms part of the side garden of 22 Burleigh Road, located on a corner. Dwellings in Burleigh Road are principally two storey hipped roof, semi-detached or terraced properties, which are set back considerably from the road with parking and garden areas in front. This creates a strong, consistent front building line and character along the road.
5. While the residential properties opposite the site, on the corner of Burleigh Road and Gresham Road are set further forward, closer to the road than that typical of other dwellings in the surrounding area. This development is single storey with trees and landscape areas around the edges of the development.
6. Even though the proposed side elevation of the dwelling would be set back slightly from the road, the dwelling would be sited considerably forward of the continuing strong front building line along the road. This would jar with the prevailing form and

character of other dwellings in the surrounding area. While the proposed dwelling would have a similar footprint and eaves height to the host property and have a hipped roof design, with proposed matching fenestration and external materials. Due to its proposed siting, on the corner and considerably forward of neighbouring two-storey properties, the new dwelling would appear as an overly dominant and incongruous form of development within the street scene. Additionally, as the proposal would be a detached dwelling, it would not be in keeping with the typical character and form of dwellings within the surrounding area.

7. At the time of my site visit there were no trees or other appreciable landscape features within the appeal site, although there were a number of tree stumps evident within the enclosed grassed side garden area. While trees have already been removed, it is likely the trees would have provided some positive contribution to the character and appearance of the surrounding area. Notwithstanding such, appropriate replacement planting and landscaping could be secured via condition. Although, such landscaping would not overcome the harm caused in regard to the position and design of the proposed dwelling.
8. For the above reasons, the proposed development would have a harmful effect on the character and appearance of the surrounding area, in conflict with Policy 21 of the South Worcestershire Development Plan (SWDP) (February 2016), which amongst other matters, expects all development to be of a high design quality and integrate effectively with its surroundings, in terms of form and function and reinforce local distinctiveness. Also, it requires development to complement the character of the area, respond to surrounding buildings and distinctive features, including frontages, streets, and landscape quality of the local area.

Biodiversity

9. As there are no longer any trees within the appeal site and the side garden area is principally lawn, it is unlikely that there would be any particular biodiversity interests within the site that would be harmed by the proposed development. Also, the appellants propose to include a bird box within the development and assert that because it would be a self-build dwelling, it would be exempt from biodiversity net gain requirements.
10. Therefore, subject to a condition, to provide biodiversity enhancements within the site, the proposal would not have a harmful effect on biodiversity and there would be no conflict with Policy SWDP 22 of the SWDP, which amongst other matters, requires that development should, wherever practicable, be designed to enhance biodiversity.

Flood risk

11. As asserted by the appellant, the appeal site is not within a flood zone, is not at risk of flooding from nearby watercourses and there is no history of flooding within the site. Furthermore, no substantive evidence has been provided to suggest that the site is in an area at risk of flooding. In such circumstances, having regard to the Planning Practice Guidance (PPG), the sequential test is not necessary with regard to the location of the proposed development.
12. While the appellants set out that there is adequate room within the appeal site to provide appropriate soakaways to serve the development, there is a public and foul water sewer crossing the site. This may limit or restrict the use of sustainable

drainage systems possible within the appeal site. Policy SWDP 29 of the SWDP requires that to minimise flood risk, improve water quality and groundwater recharge and enhance biodiversity and amenity interest, all development proposals will be required to demonstrate through a Water Management Strategy Statement that site drainage and runoff will be managed in a sustainable and co-ordinated way that mimics the natural drainage network.

13. In the absence of any substantive evidence to the contrary in regard to the public sewer and that a Water Management Strategy Statement has not been provided, it has not been demonstrated the proposal would be able to manage water through sustainable drainage systems and minimise flood risk caused by the proposal.
14. For the above reasons, the proposed development would likely cause harmful flood risk, in conflict with Policy SWDP 29 of the SWDP. Although, as a flood risk sequential test or assessment is not necessary, there would be no conflict with Policy SWDP 28 of the SWDP.

Renewable and low carbon energy

15. Policy SWDP 27 of the SWDP requires new development to incorporate renewable and low carbon energy solutions. Even though a separate energy statement has not been provided with the appeal proposal, the Access and Design Statement includes an energy assessment, which sets out how the proposed development would achieve a 10% reduction in the overall carbon emissions of the development. As asserted by the appellants, this would be achieved through the use of a fabric first approach and renewable energy collected from a roof mounted solar PV array. Although, the proposed plans do not show any proposed solar panels on the new dwelling, in view of the appellants intentions, such could be secured by an appropriate condition.
16. In view of the above, the proposal would include suitable renewable and low carbon energy measures and so, would not conflict with Policy SWDP 27 of the SWDP.

Other Matters

17. The proposal would provide an additional dwelling in the area, although the benefit associated with one dwelling would not be significant. There would be sufficient distance separation between the proposed dwelling and neighbouring properties, so as not to cause harm to the living conditions of neighbouring occupiers. Also, while concerns have been raised by interested parties in regard to highway safety, the Council's highway advisers have raised no objection to the proposal and, I have no substantive evidence to conclude otherwise on such. However, the lack of harm on these matters are neutral factors, which do not weigh in favour of the proposal.

Conclusion

18. While I have not found harm in relation to biodiversity and renewable and low carbon energy, with regard to the effect on the character and appearance of the surrounding area and flood risk, the proposal would conflict with the development plan as a whole and material considerations do not indicate a decision should be made other than in accordance with it. Accordingly, the appeal should be dismissed.

C Billings INSPECTOR