



Appeal Decision

Site visit made on 14 January 2025

by M Aqbal BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 10 March 2025

Appeal Ref: APP/D1835/W/24/3344166

11 Eastnor Close, 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 Mr and Mrs Hussain against the decision of Worcester City Council.
 - The application Ref is 23/00756/FUL.
 - The development proposed is formation of dwelling.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are:
 - i) The effect of the proposal on the character and appearance of the area;
 - ii) Whether the proposal provides an acceptable quality of accommodation for its occupiers;
 - iii) The effect of the proposal on the living conditions of neighbours; and
 - iv) The effect of the proposal on adjacent railway infrastructure.

Reasons

Character and appearance

3. The appeal site comprises the side garden of 11 Eastnor Close ('No. 11') which is part occupied by a detached garage. The dwelling at No.11 is a semi-detached bungalow. A railway line runs along the rear boundary of the appeal site and other dwellings along this side of Eastnor Close.
4. Dwellings along Eastnor Close are mainly of a modern design and largely finished in brickwork with some render detailing. Whilst there are some variations in design, the bungalows feature front gables which are generally subordinate to their main roof forms. Most notably, the nearby bungalows are arranged in pairs and are setback behind generally open frontages of a similar depth, incorporating mainly landscaping and some parking areas.
5. Despite some personalisation in the form of extensions and alterations, the existing arrangement and designs of dwellings contribute to a cohesive and spacious street scene.
6. The garage at the appeal site would be extended towards the extant bungalow at No. 11, to form a modest two bedroom dwelling. Although this would retain the single storey form of the garage and the dwelling at No. 11, as a consequence of

its siting, this would be almost adjacent the footway. Thereby, appearing cramped compared to the existing arrangement of dwellings along Eastnor Close.

7. The design of the new dwelling includes an atypical gable feature which incorporates a higher ridge than its main roof. Also, its mainly rendered finish with some timber detailing would be uncharacteristic of the immediate vernacular. Together, these would result in a conspicuous form and design of development.
8. Drawing on the above reasons, the new dwelling would be inconsistent and incompatible in its context. Consequently, this would visually distract rather than assimilate and / or complement the street scene.
9. As such, the proposal would harm the character and appearance of the area and is contrary to Policy SWDP 21 of the South Worcestershire Development Plan ('DP'). Amongst other things, this Policy expects all development to be of a high design quality which integrates effectively with its surroundings.

Quality of accommodation

10. The Council's Design Guide Supplementary Planning Document - Overarching Design Principles ('SPD').
11. The rear gardens for the new dwelling and the bungalow at No.11 meet the general size requirements for private gardens within the SPD, which equates to about 20 sq. metres per bedroom.
12. In respect of the qualitative requirements for amenity space, the advice in the SPD is that dwellings have suitably sized and private gardens that are compatible with the overall size of the property for domestic activities, such as bin storage, clothes drying, sitting out and play space.
13. Due to the alignment of the railway line and the planned layout of properties on the northeast /eastern side of Eastnor Close, their private rear garden areas reduce in depth the further southeast they are sited. In particular, the rear garden for No. 11 occupies an irregular footprint resulting in a limited depth in parts. Nonetheless, this benefits from a substantial garden to the side, which provides improved overall amenity space for this property. This side garden would be lost as a consequence of the proposal. Therefore, notwithstanding its quantum, I am unpersuaded that the retained rear garden would meet the qualitative aims of the SPD, given its shape and proximity to the railway line.
14. Similarly, the rear garden for the new dwelling would be an irregular shape with a limited depth, in part. Moreover, given the proximity to the railway line there is a potential for this dwelling including its garden to be impacted by noise and vibration from this. Whilst the Council has recommended the installation of a 2m acoustic fence. On the information available, I cannot be certain that this would be adequate to safeguard the occupiers of the new dwelling from noise associated with the railway line. Irrespective, this would not address concerns in respect of any potential vibration.
15. Due to the proximity of the principal elevation of the new dwelling to the footway and the lack of any meaningful defensible space, the proposed windows along this elevation would be overlooked by passers-by. This would compromise the privacy of its occupiers.

16. Drawing on the above reasons and notwithstanding the acceptable quantum of internal space for both the existing and new dwellings, it has not been shown that these would provide a satisfactory quality of accommodation for their occupiers with regard to quality of private garden areas and safeguarding privacy. Accordingly, the proposal does not meet the overarching aim of Policy SWDP 21 of the DP for securing high design quality.

Living conditions of neighbours

17. As a consequence of the proposed layout, the separation between the principal elevations of the new bungalow and dwellings opposite, would be less than that generally achieved along Eastnor Close.
18. Although the outlook from the property's opposite would change, due to the separation afforded by the highway and in the context of an existing boundary fence which, in part, encloses the side garden of No. 11, and its garage, I am unpersuaded that the proposed bungalow would be unduly dominant in views from the existing properties.
19. Nevertheless, the new bungalow includes bedroom and living room windows along its principal elevation. The intervisibility between these windows and the dwellings opposite is likely to undermine the privacy for the occupiers of these dwellings and the new dwelling. This is contrary to DP Policy SWDP 21, which requires that new development should provide an adequate level of privacy.

Effects on railway infrastructure

20. The proposed development would be further away from the railway line and land associated with this than the existing development at the appeal site. Even so, some groundworks are likely to be required to facilitate the proposal, which would be within 10m of the existing operational railway. Accordingly, Network Rail Asset Protection have a remit to ensure that railway infrastructure is not adversely affected by the proposal.
21. Network Rail Asset Protection have suggested that their initial objection to the planning application is likely to be removed, subject to the completion of a Basic Asset Protection Agreement.
22. Whilst the appellants have referred me to an extension at 26 Eastnor Close, I have insufficient information in respect of this to draw any meaningful comparison or conclusion in respect of this main issue.
23. Although this main issue appears resolvable, because a completed Basic Asset Protection Agreement is not before me, I cannot be certain that the proposal would not have an adverse impact on railway infrastructure. The proposal is therefore contrary to DP Policy SWDP 4, which along with other things says that development proposals will not be permitted if they are likely to prejudice the operation of existing or proposed public transport facilities.

Other Matters

24. I am aware that there are no objections to the proposal on highway grounds and that the scheme includes sufficient car parking / cycle storage and would incorporate an electric vehicle charging point. Even so, these factors do not alter my findings in respect of the main issues.

25. Matters relating to the processing of the planning application are for the main parties.

Conclusion

26. For the above reasons, I conclude that the appeal should be dismissed.

M Aqbal

INSPECTOR