



Appeal Decision

Site visit made on 24 February 2025

by D R Kay BA Dip.Arch RIBA

an Inspector appointed by the Secretary of State

Decision date: 12 March 2025

Appeal Ref: APP/W1850/W/24/3354939

182 Ledbury Road, Hereford, Herefordshire, HR1 1RH

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr & Mrs S Williams against the decision of The County of Herefordshire District Council.
 - The application Ref: 233225, dated 31 October 2023, was refused by notice dated 9 May 2024.
 - The development proposed is 'The erection of two dwellings and associated works'
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are the effect of the proposals on i) the character and appearance of the area, and ii) the living conditions of occupiers of each dwelling, having particular regard to the provision of amenity space.

Reasons

Character and Appearance

3. The area is characterised by semi-detached and detached two-storey properties of mixed ages comprising mostly inter-war period properties to the north side of Ledbury Road, and mid-century properties to the appeal sites' side of Ledbury Road and Quarry Road. The area has a spacious, open feel with mature trees and gardens.
4. The appeal site is the side and rear garden of 182 Ledbury Road, a corner property at the junction of Ledbury Road and Quarry Road. The garden, enclosed by a mature hedge, acts as a clear separation between development on Ledbury Road and Quarry Road forming a green gap and contributing to the feeling of openness characteristic of the area.
5. The proposals introduce a two-storey three-bedroom detached dwelling to the side garden south-west of number 182, together with a single storey two-bedroom bungalow within the rear garden area to the south-east. The introduction of a significant amount of new-built form into an area where there was previously limited built form, would adversely diminish the sense of spaciousness.

6. To accommodate the bungalow whilst providing a garden for the host property, its' existing rear conservatory is proposed to be demolished, thus providing a rear garden of approximately 8m wide by 6m deep. The proposed two-storey dwelling adjacent to number 182 would have a similar 8m by 6m rear garden, though this would also accommodate a parking space for the dwelling. The bungalow would have a rear garden which is triangular, ranging from approximately 1.2m to 5m in depth at its' maximum between the property and the boundary fence with 184 Ledbury Road.
7. The relationship of the rear elevation of the host dwelling to the gable of the bungalow, coupled with the level difference required to allow access from Quarry Road to the latter, and the proximity of the gable of the proposed new two-storey dwelling approximately 1.5m from the rear of the Quarry Road footpath, means built form would be read much closer together. The gap in development that currently separates Ledbury Road and Quarry Road would be significantly lessened, undermining an attractive element of the present settlement pattern. Thus, blurring the present distinction at this transitional corner such that the resultant built form would appear cramped.
8. Moreover, the new dwellings would take their vehicular access from Quarry Road, necessitating removal of significant sections of the mature hedge, both for access, and to achieve satisfactory visibility splays. The resulting loss of significant portions of the mature hedge, would be harmful to the verdant qualities of the area. The small garden areas provided for each dwelling would further mean that there would only be limited opportunities for future planting mitigation.
9. Taking these factors together, the proposals would have a harmful effect on the spacious and verdant character of the area and would appear out of keeping with the pattern of development in the locality.
10. The appeal site has been the subject of two previous planning applications, both refused, the latter of which, application 194390/F, was the subject of an appeal ref: APP/W1850/W/21/3270492 which was dismissed. That appeal related to proposals for the erection of two, two-storey dwellings in the rear garden of number 182, in the same location as the bungalow in this appeal. That appeal was dismissed due to impact on living conditions of the occupants of 182 Ledbury Road with regards to outlook, and for the harm to the character and appearance of the area.
11. The appellant has sought to address these dismissal reasons in the development of the appeal scheme, carrying out pre-application advice with the Council which have resulted in the appeal proposals. However, in seeking to address the reasons for dismissal of the previous appeal, the proposals, which have intensified the extent of development on the site, have created other harms. Paragraph 135 of the National Planning Policy Framework (NPPF) requires, amongst other things, that schemes 'are sympathetic to local character and history, including the surrounding built environment and landscape setting'. I find that the proposals before me would fail in this respect.
12. Therefore, the proposal would have an unacceptably harmful effect on the character and appearance of the area contrary to policies SD1, LD1 and SS6 of the Herefordshire Local Plan Core Strategy 2011-2031 (Adopted October 2015) (CS). Amongst other things, these policies seek development that takes account of the local context and conserves and enhances local distinctiveness.

Living Conditions

13. The refusal notice specifically states 'lack of amenity space for each dwelling' as a cause for concern. The CS does not contain mandatory minimum space standards for external space, nor are there any local or national standards brought to my attention. Accordingly, this becomes a matter of judgement, which should take account of the reasonable needs of the occupants.
14. The drawings provided show that each dwelling would be provided with a modest area of private garden space. A patio is shown for the proposed new dwellings indicating that future occupants would be able to sit out. The rear garden area for no.182 and the 3-bed dwelling would be rectangular, and although small, would allow for some outdoor play opportunities for smaller children, the drying of washing and limited gardening activity. The garden space of the proposed bungalow would be more awkwardly configured, but again could provide some opportunities for planting and enough space for modest outdoor furniture.
15. On the available evidence, it is not shown that the amenity space for each dwelling would be inadequate to serve the occupants of each dwelling. Moreover, some occupants could welcome a more manageable garden space.
16. Therefore, I do not find that the proposed external space provision would unacceptably compromise the living conditions of the occupants of any of the dwellings. It follows that in relation to this matter, I find no conflict with those aspects of policies SD1, LD1 and SS6 of the CS which seek to safeguard residential amenity for existing and future occupants.

Other Matters

17. Welsh Water identified in their correspondence of 21 November 2023, the presence of two public foul sewers which cross the appeal site. They advised that they cannot accept development within a 3m distance either side of the centre line of the sewers. The appeal drawing 1415-10 B identifies the location of foul manholes within the site, with a direction for the foul sewer runs. From this drawing neither of the two proposed dwellings could be constructed whilst complying with this 3m exclusion zone, the two-storey dwelling losing almost half its footprint, and the bungalow losing approximately 30% of its footprint. As such, the presence of the two public foul sewers, and the 3m exclusion zones advised by Welsh Water, would seem to restrict the potential for development of the appeal site. I have not pursued this matter further with the main parties as, given my concerns above, it would be unlikely to be determinative.

Planning Balance and Conclusion

18. The Council have confirmed that they are currently able to demonstrate a Housing Land Supply figure of 3.09 years. Accordingly, paragraph 11(d) of the NPPF is engaged.
19. There is no evidence to suggest that there are policies in the NPPF that protect areas or assets of particular importance as referenced in paragraph 11(d) (i) are relevant in this case. Therefore, the test set out in paragraph 11(d)(ii) applies.

20. This states that 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 NPPF taken as a whole. Regard should be had to key policies cited, including paragraph 135 of the NPPF.
21. The appellant has identified benefits of the scheme which include being in an accessible location, provision of smaller housing units for differing sectors of the housing market, development of a smaller site as supported by the NPPF, economic benefits of development and making effective use of previously developed land. These are important benefits especially given the degree of undersupply.
22. Nevertheless, I have found that there would be permanent harm caused to the character and appearance of the area. The NPPF confirms that good design is a key aspect of sustainable development and fundamental to what the planning and development process should achieve.
23. Therefore, I consider that the adverse impacts accruing from approval of the appeal proposals, would significantly and demonstrably outweigh the benefits of doing so. Accordingly, the presumption in favour of sustainable development does not apply in this case.
24. For the reasons set out above, I conclude that the appeal proposals would be contrary to the development plan as a whole and that there are no material considerations, including policies in the NPPF, that would justify determining other than in accordance with it. Therefore, the appeal should be dismissed.

D R Kay

INSPECTOR