



Appeal Decision

Site visit made on 11 March 2025

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

an Inspector appointed by the Secretary of State

Decision date: 18 March 2025

Appeal Ref: APP/J1860/W/24/3352203

Cornerways, School Lane, Holt Heath, Worcestershire WR6 6NF

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant outline planning permission.
 - The appeal is made by Mr Smith against the decision of Malvern Hills District Council.
 - The application Ref is M/23/01713/OUT.
 - The development proposed is demolition of existing bungalow to be replaced with 3no. units (all matters reserved).
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The appeal proposal seeks outline permission with all matters reserved. Therefore, while a proposed block plan has been provided showing the access and siting of the proposed dwellings within the site, I have considered this on the basis it is for indicative purposes only.
3. A revised version of the National Planning Policy Framework (the Framework) was published in December 2024 and so is a material consideration. The main parties were given opportunity to comment on the updated Framework and I have had regard to any comments made in reaching my decision.

Main Issues

4. The main issues are the effect of the proposed development on:
 - the character and appearance of the surrounding area;
 - the living conditions of occupiers of neighbouring properties; and,
 - affordable housing.

Reasons

Character and appearance

5. The appeal site is a corner plot within the settlement of Holt Heath, surrounded by residential development. The existing dwelling is a bungalow situated toward one end of its plot adjacent to another bungalow along School Road. It is set back from the road with parking and lawn area in front and with a larger garden area to the side, which is enclosed by high close boarded fencing and hedges. Due to the scale and position of the existing dwelling, it is not unduly prominent within the street scene. While there is variance in plot shapes and the scale of dwellings in the immediate surrounding area, generally dwellings are set within reasonably sized plots. The density of the existing dwelling is therefore comparable to that of the surrounding area.

6. Even though the proposal would comprise infill development within the settlement, the proposed density would be considerably less than that typical of the surrounding area. While indicative, the proposed layout plan shows that to accommodate 3 dwellings within the plot, this would result in the need to have dwellings closely packed together with a large expanse of shared parking in front. Additionally, one of the indicative proposed plots, would need to be sited much closer to the corner road junction, where, even if it was a low dormer bungalow, it would appear unduly prominent within the street scene. The indicative plan also shows that the road boundary hedgerow would be removed as part of the proposal, which would diminish the green aspect to the edges of the site.
7. As a result of the proposed density and likely need to push dwellings much closer to the road junction, it would harmfully reduce the open spacious feel of the plot and the proposed dwellings would appear unduly cramped together. Furthermore, this would reduce the opportunities for landscaping and appropriate garden amenity space within the dwelling plots. Therefore, the proposed development would be harmfully at odds with the prevailing character of the surrounding area.
8. In view of the above, the proposal would have a harmful effect on the character and appearance of the surrounding area, contrary to Policy SWDP 21 of the South Worcestershire Development Plan (February 2016) (SWDP), which amongst other matters, requires all development to be of a high design quality, that integrates effectively with its surroundings.

Living conditions

9. Notwithstanding my findings about the cramped nature of the proposed development, the indicative site layout does not demonstrate that the new dwellings would be unduly close to immediate neighbours at the rear, comparable to the position of the existing bungalow within the site. The use of the garden amenity space for 3 dwellings as opposed to 1 would likely be greater, although it would still be residential gardens adjacent to the neighbouring properties, with the potential same level of use and noise generated therefrom.
10. As this is an outline application, with only indicative details of the siting and scale of the new dwellings and no details of the position of any windows, it is difficult to fully assess the likely impact on the living conditions of neighbours. Although subject to siting and design of the dwellings, it may be possible to ensure that no harm is caused to the living conditions of neighbouring residents by reason of loss of light, outlook or privacy.
11. Having regard to the above and in the absence of substantive evidence to the contrary, it has not been demonstrated that the proposed development would have a harmful effect on the living conditions of occupiers of neighbouring properties. Therefore, there would be no conflict with Policy SWDP 21 of the SWDP, which amongst other matters, requires development to provide an adequate level of privacy, outlook, sunlight, and daylight and should not be unduly overbearing in respect of neighbouring amenity.

Affordable housing

12. Policy SWDP 15 of the SWDP sets out that on sites of less than 5 dwellings a financial contribution is required towards local affordable housing provision, based on the cost of providing the equivalent in value to 20% of the units as affordable on site. However, the appellant does not propose such and there is no mechanism in

place to secure the required contribution as part of the proposed development. Therefore, the proposal would conflict with Policy SWDP 15 of the SWDP.

Other Matters

13. That the existing dwelling is poorly developed with extensions and requires renovation would not justify the harm caused in relation to the main issues. It is not demonstrated that the existing dwelling could not be renovated without the need for the additional dwellings.
14. The proposal would be windfall development, delivering 2 additional dwellings within an infill plot within a designated category 3 village settlement, where the principle of new residential development is acceptable. This would provide economic benefits through the construction and occupation of the dwellings and would promote the more effective use of land through the higher density proposed. It would also deliver additional housing in an area where there is a demonstrated housing shortfall. Albeit, due to the small scale of the proposed development, the benefits would not be significant.

Planning Balance

15. The proposal would conflict with policies contained within the SWDP in regard to character and appearance and affordable housing. Therefore, in such regard the proposal conflicts with the development plan as a whole.
16. The Council cannot demonstrate a 5 year housing land supply. In such circumstances paragraph 11d) and footnote 8 of the Framework establishes the policies which are most important for determining the application are out-of-date. Consequently, the presumption of sustainable development applies, unless the application of policies in the Framework that protect areas or assets of particular importance provides a clear reason for refusing the development, or any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against policies in the Framework taken as a whole.
17. The Council's housing land supply position is 2.06 years post December 2024. This is below the Government's expectations and therefore, the provision of additional dwellings would make a positive contribution towards meeting the Council's shortfall. Although given the small scale nature of the proposed development, the benefits would be limited.
18. Consequently, the adverse impacts of the proposal on the character and appearance of the surrounding area and affordable housing would significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework taken as a whole. As a result, the presumption in favour of sustainable development does not apply.

Conclusion

19. The proposal would conflict with the development plan as a whole and there are no other considerations, including the provisions of the Framework, which outweigh this finding. Accordingly, the appeal should not succeed.

C Billings

INSPECTOR