



Appeal Decision

Site visit made on 28 April 2025

by **B Astley-Serougi BA(Hons) LLM MSc MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 02 June 2025

Appeal Ref: APP/H1840/W/24/3357173

3 Mortimer Terrace, Main Road, Ombersley WR9 0DP

- 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 Ms T Stirzaker against the decision of Wychavon District Council.
 - The application Ref is W/24/00496/FUL.
 - The development proposed is a two-bedroom dormer bungalow.
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Decision

1. The appeal is allowed and planning permission is granted for a proposed two bedroom dormer bungalow at 3 Mortimer Terrace Main Road, Ombersley, WR9 0DP in accordance with the terms of the application, Ref W/24/00496/FUL, subject to the conditions in the attached schedule.

Preliminary Matters

2. The appellant provided during the appeal process a completed S106 agreement. The parties have been provided with the opportunity to comment and I have taken into account any comments made, in my determination of the appeal as necessary.
3. The description of development contained within the application form is defined as a 'proposed two bedroom dormer bungalow'. I have removed the term proposed from the banner heading above because it does not relate to an act of development.

Background and Main Issues

4. Therefore, the main issues are:
 - the effect of the proposal on the character and appearance of the surrounding area.
 - whether the proposal makes adequate provision for any additional need for affordable housing arising from the development.

Reasons

Character and Appearance

5. The appeal site is located in a predominantly residential area of the village of Ombersley. The appeal scheme would introduce a two-bedroomed dormer bungalow to the rear of 3 Mortimer Terrace (No 3) on Racks Lane. The overall pattern of development close to the appeal site consists of relatively small plots and no significant uniform building line.

6. Racks Lane consists of residential dwellings many of which vary in their built form with regard to their character, scale and relationship to the highway. There would be a close relationship between the proposed development and the highway due to the set back of the proposal by approximately 0.7m at the northern boundary. However, given the lack of a significant uniform building line along Racks Lane, as well as the proximity of the side elevation of No 3 to the highway, the appeal scheme would not result in an incongruous addition.
7. The appeal scheme would be close to the eastern and southern boundaries of the appeal site. However, the relatively small appeal plot size is not uncommon within the surrounding area. The plots and built form adjacent to the appeal site are relatively small and consequently, the dwellings are close to their respective plot boundaries. Therefore, given the aforementioned plot sizes and that the proposal is for a dormer bungalow, the proposed scale and massing would not result in a visually obtrusive and cramped built form when considered in the wider context of the appeal site.
8. In conclusion, the appeal scheme would not result in harm to the character and appearance of the surrounding area. It would therefore comply with Policies SWDP21 and SWDP25 of the South Worcestershire Development Plan 2016 (the SWDP) and TOAD9 of the Ombersley and Doverdale Neighbourhood Development Plan 2020-2030 insofar as they seek to ensure developments are of a high design quality and assimilate with their surroundings.
9. It would also accord with the aims of the South Worcestershire Design Guide Supplementary Planning Document 2018 which seeks, amongst other things, to ensure developments are designed to a high standard.

Adequate Provision of Affordable Housing

10. The proposed development would introduce one dormer bungalow and therefore according to Policy SWDP15 of the SWDP, sites of less than five dwellings are required to provide a financial contribution towards local affordable housing provision of an equivalent value to 20% of units as affordable housing on the site.
11. The appellant has provided a complete Section 106 agreement (the S106), dated 7 May 2025, which would provide an off-site payment of £12,797.00 towards affordable housing contributions. The Council has had the chance to consider the S106 and have indicated that it provides an adequate contribution towards affordable housing. I find no reason to disagree.
12. Interested parties have highlighted a loss of affordable housing in the Racks Lane area and consequently, that should the appeal scheme be allowed, it would be a missed opportunity if it were to be an open market dwelling rather than affordable housing. I have identified above that the appeal scheme would provide an adequate affordable housing contribution and would therefore contribute to the provision of affordable housing in the District.
13. In conclusion, the proposed development would provide an adequate contribution towards the provision of affordable housing. It therefore would comply with Policy SWDP15 of the SWDP insofar as it seeks to ensure that developments contribute to the delivery of affordable housing within the District.

Other Matters

14. Interested parties have indicated concern regarding the proximity of the appeal scheme to the car park of the adjacent Dental Practice, the proximity of the proposed front door to the highway and consequently the safety of future occupants, visibility splays, potential damage to the road surface of Racks Lane, access and displacement of cars both during and after the construction process as well as access for refuse collection vehicles. There is limited substantive evidence before me to demonstrate that the appeal scheme would result in harm to highway safety, access, and the manoeuvring of vehicles. The Council has not indicated concerns and neither have the Highway Authority regarding these matters. I find no reason to disagree.
15. Regarding the impact of the appeal scheme on biodiversity and the environment, the Council has not indicated concerns regarding this issue. I find no reason to disagree. I have however included conditions to prevent the proposal from resulting in harm to protected species and breeding birds.
16. Other objections to the appeal scheme by interested parties include concerns relating to the living conditions of future occupants with regard to privacy, daylight, sunlight and outdoor amenity space. There is limited substantive evidence before me to suggest that the appeal scheme would result in harm to the living conditions of future occupants. I therefore find no reason to disagree with the Council's conclusions on these matters.
17. An interested party has indicated concern regarding the view from 1 and 2 Mortimer Terrace when the appeal scheme is assessed in conjunction with a bungalow located behind Fir Cottage. The Council has not indicated concerns regarding the living conditions of neighbouring occupants. Nevertheless, a private view is not of itself a determinative material planning consideration in this case.
18. There is a public right of way (PROW) that runs along Racks Lane. However, the Council has not indicated concerns regarding the effect of the appeal scheme upon the PROW and no objection was raised by the Worcestershire County Council Public Rights of Way team. I find no reason to disagree.
19. Concerns regarding land ownership, the location of parking in relation to access for nearby residents as well as access to the site are not determinative material planning considerations in this case given that the necessary steps were taken with regard to ownership certificates. Notwithstanding this, there is limited substantive evidence before me to demonstrate that any problems could not be dealt with under legislation regarding private legal rights and land ownership.
20. I have imposed a condition requiring details to be submitted to ensure that a minimum 10% of the predicted energy requirements for the development are provided by renewable and/or low carbon energy measures. Additionally, I have also imposed a condition requiring the submission of a Construction Method Statement detailing the parking of vehicles of site operatives and visitors as well as the loading and unloading of plant and materials to ensure there is no unreasonable effect upon the living conditions of neighbouring residents.

Conditions

21. The Council has not provided a list of suggested conditions. I have therefore ensured both parties have had the chance to comment on the proposed conditions and I have had regard to any comments made. I have amended the wording of suggested conditions from statutory consultees for clarity and to ensure accordance with the tests set out in paragraph 57 of the Framework.
22. In addition to the standard time limit condition (1), I have attached a condition specifying the approved plans to provide certainty (2). A pre-commencement condition requiring the submission of a Construction Method Statement is necessary to ensure the living conditions of neighbouring occupants are not adversely impacted (4).
23. Conditions regarding the external materials of the development (5) and the submission of details regarding boundary treatment (8) are necessary to prevent any erosion of the areas character.
24. I consider the submission of details to the Council to be necessary regarding a sustainable urban drainage system in order to ensure adequate mitigation against flooding (7). I have also imposed a condition requiring the submission of renewable and low carbon energy details to the Council to ensure the development contributes to the reduction of carbon emissions (10).
25. A condition restricting the hours of construction and deliveries is necessary to ensure the living conditions of neighbouring occupants are not significantly affected (3).
26. A condition to ensure nesting birds are not disturbed during any aspect of the development (11) is necessary as well as requiring details to be submitted regarding a wildlife lighting plan in the interests of protected species (9).
27. Finally, I have imposed a condition requiring the submission of details regarding a direct route to sheltered and secure bicycle parking to ensure the development complies with the Council's parking standards (6).

Conclusion

28. The material considerations do not indicate that a decision should be made other than in accordance with the development plan. For the reasons given above the appeal should be allowed.

B Astley-Serougi

INSPECTOR

Schedule of Conditions

- 1) The development hereby permitted shall begin not later than three years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with drawing no 4528-01 (Proposed Site Plan, Elevations and Floor Plan).
- 3) Construction work and deliveries to and from the site in connection with the development hereby permitted shall take place only between 08:00 to 18:00 on Monday to Friday and 08:00 to 13:00 on a Saturday and shall not take place at any time on Sundays or on Bank or Public Holidays.

Pre-commencement

- 4) No development shall take place, including any works of demolition, until a Construction Method Statement has been submitted to, and approved in writing by the local planning authority. The Statement shall provide for:
 - i) the parking of vehicles of site operatives and visitors;
 - ii) loading and unloading of plant and materials;

The approved Construction Method Statement shall be adhered to throughout the construction period for the development.

Above Ground Level

- 5) No development above ground level shall take place until details of all external facing materials have been submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved sample details.

Pre-Occupation

- 6) Prior to the occupation of the development hereby permitted details of a direct route to sheltered and secure bicycle parking to comply with the Council's adopted highway design guide shall be submitted to and approved in writing by the local planning authority. The approved bicycle parking shall be kept available for the storage of bicycles and retained thereafter.
- 7) Prior to the first occupation of the development hereby permitted full details of all surface water drainage systems to serve the development shall be submitted to and approved in writing by the local planning authority. The approved sustainable drainage systems for the site shall be completed in accordance with the approved details and shall be retained thereafter.
- 8) Prior to the first occupation of the development hereby permitted details of the positions, height, design, materials and type of boundary treatment to be erected shall be submitted to and approved by the local planning authority. The boundary treatment shall be completed as in accordance with the approved details before the building is occupied.
- 9) Prior to the first occupation of the development hereby permitted details of a wildlife lighting plan shall be submitted to and approved by the local planning authority. The lighting plan shall be completed in accordance with the approved details and shall be retained thereafter.
- 10) Prior to the first occupation of the development hereby permitted, details of renewable and/or low carbon energy generation measures shall be submitted to and approved in writing by the local planning authority. The measures shall

contribute to at least 10% of the predicted energy requirements of the development. The details to be submitted shall include:

- the overall predicted energy requirements of the approved development;
- the predicted energy generation from the proposed renewable/low carbon energy measures;
- an implementation timetable for the proposed measures.

The development shall be carried out in accordance with the approved details.

- 11) No removal of any vegetation or the demolition of buildings shall take place between 1 March and 31 August in any year, unless a detailed survey by a suitably qualified person has been carried out to check for nesting birds. Where nests are found in any building, hedgerow, tree or scrub or other habitat to be removed (or converted or demolished in the case of buildings), a 4m exclusion zone shall be left around the nest until breeding is complete. Completion of nesting shall be confirmed by a suitably qualified person and a report submitted to and approved in writing by the local planning authority before any further works within the exclusion zone taking place.

=====End of Schedule=====