



Appeal Decision

Site visit made on 17 June 2025

by N Bromley BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 14 July 2025

Appeal Ref: APP/D1835/W/25/3361374

179 Henwick Road, Worcester, Worcestershire WR2 5PD

- 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 Kevin Healey, of Eclat Properties Limited, against the decision of Worcester City Council.
 - The application Ref is 24/00793/FUL.
 - The development proposed is described as “The proposal is to seeking planning permission convert the basement of 179 Henwick Rd. into a bedroom. This will change the use of the property from a 6 bed HMO to a 7 Bed Sui Generis use. The basement bedroom will have an En suite. A new opening will be cut into the basement wall underneath the ground-floor bay window. This opening will bring light into the space and open a view out of the room. Around the opening, the ground will be cut away for access and a retaining wall will be constructed to stabilize the ground around the opening.”
-

Decision

1. The appeal is dismissed.

Application for costs

2. An application for costs was made by Kevin Healey, of Eclat Properties Limited against the decision of Worcester City Council. This application is the subject of a separate decision.

Main Issues

3. The main issues raised by this appeal are:
 - whether or not satisfactory living conditions would be created for future occupiers of the proposal, with regard to outlook, daylight, sunlight and outdoor amenity space; and
 - the effect of the proposal on the character and appearance of the area.

Reasons

Living conditions

4. The appeal site comprises a two-storey end-terrace property, with a basement and loft space, located along a busy road within the urban area. The property is set within a row of residential properties, which are elevated above the road. The property has a raised front garden, as do many of the other properties along the road.
5. The property has six bedrooms, each with an en-suite bathroom. The bedrooms are split over the ground floor, first floor and within the loft space. There is a

communal kitchen and living area at ground floor and planning permission has recently been granted to extend the property at the rear, providing additional communal space for the occupants of the HMO.

6. The proposed development would convert the basement into an additional bedroom, with en-suite bathroom. An enclosed courtyard area within the front garden would also be created with direct access from the proposed bedroom through a glazed door.
7. As you would expect, the existing basement is dark. To address this, a glazed door is proposed in the front elevation, which would open onto the proposed courtyard. The courtyard would be small and there would be a minimal separation distance between the door and the proposed retaining wall opposite. In addition, the proposed courtyard would be enclosed by the two-storey front wall of the building and proposed retaining walls. With proposed landscaping also above the wall to provide privacy, the courtyard would be an enclosed space, and the level of outlook from the glazed door would be limited. Likewise, and for similar reasons, the level of daylight and sunlight into the proposed bedroom, would also be reduced.
8. The courtyard is described as a 'lightwell' but it would be surrounded by brick retaining walls, with landscaping above. As such, it is not immediately clear how it would result in additional light entering the bedroom through the glazed door. Indeed, there is limited robust evidence to demonstrate that acceptable daylight and sunlight would enter the bedroom, even with acceptable décor. Therefore, the basement accommodation is likely to be dark and internal lighting would need to be switched on for much of the day and at night. Collectively, taken together, these factors would not create a satisfactory living environment for the future occupants of the proposed bedroom.
9. My attention has been drawn to the basement at 181 Henwick Road (No 181). The appellant suggests that the proposed glass door is almost four times bigger than the window in the neighbouring basement room. However, even if that were the case, the two developments do not appear to be comparable, with the basement window of No 181 not been obstructed by retaining walls or landscaping. Given this, the basement at No 181 does not add weight in favour of the scheme, and as I am required to do, I have determined the case before me on the site-specific circumstances and on its own merits.
10. The proposed courtyard would provide a small seating area for the occupiers of the proposed bedroom. The property also benefits from an attractive, private and quiet garden at the rear, which has a generous size. Accordingly, even though the additional bedroom would increase the number of occupants at the property, the level of private outdoor space is proportionate to the scale of the development and the property. Particularly in an urban location such as this.
11. For the above reasons and on the evidence before me, whilst acceptable outdoor amenity space would be provided, I conclude that satisfactory living conditions would not be created for future occupiers of the proposal, with reference to outlook, daylight and sunlight. Therefore, the proposal would not be in accordance with Policy SWDP 21 of the South Worcestershire Development Plan, 2016, (the DP), which amongst other things, requires all development to provide an adequate level of outlook, sunlight and daylight.

Character and appearance

12. Many of the neighbouring properties have attractive, landscaped front gardens. In contrast, the front garden of the appeal property is not landscaped and has a neutral appearance.
13. The proposed courtyard would be small and largely hidden from view by retaining walls. The remaining garden would be landscaped, and the proposed planting would largely screen the proposed works from the road. Likewise, the front boundary wall, which would be retained, would also limit views of the proposals and planting above the wall would soften the appearance from the street.
14. Although the proposed courtyard would be uncharacteristic within the street scene, and there would be some views from the road, it would not be visually harmful. Suitable materials can also be secured by condition to further complement the proposed development, to ensure that it integrates with the façade of the building and the setting of the site.
15. For the reasons outlined, I conclude that the proposed development would not harm the character and appearance of the area. As such, it would not conflict with Policy SWDP 21 of the DP, which amongst other things, seeks to ensure that all development is of a high design quality which integrates effectively with its surroundings.

Other Matters

16. The proposed development would provide an additional bedroom at the property, which could be completed to a high standard. The proposal would also provide step free access and an emergency exit door, and I accept that the approved rear extension and bike storage would also improve the communal facilities of the property once implemented. Moreover, the bedroom would provide accommodation and contribute to boosting the supply of new housing, as referenced in the National Planning Policy Framework. However, in the context of the proposed development for one additional bedroom, the benefits would be limited.
17. Overall, while the proposal would not harm the character and appearance of the area and acceptable outdoor amenity space would be provided, the appeal scheme would not provide satisfactory living conditions for the future occupants of the bedroom. Consequently, it would conflict with the development plan as a whole. The conflict with the development plan in this respect carries significant weight and I have found no other material circumstances that would outweigh that conflict.
18. I acknowledge the appellants comments with regard to the Council's handling of the planning application. Nevertheless, I confirm that I have considered the proposed development on its planning merits.

Conclusion

19. For the reasons given above the appeal should be dismissed.

N Bromley

INSPECTOR