
Appeal Decision

Site visit made on 5 August 2025

by **Samuel Watson BA (Hons) MSc MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 09 September 2025

Appeal Ref: APP/R1845/W/25/3363745

55 Load Street, Bewdley, Worcestershire DY12 2AP

- 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 Sovereign Refrigeration Ltd against the decision of Wyre Forest District Council.
 - The application Ref is 25/0073/FUL.
 - The development proposed is office conversion from C3(a) to E(c)(ii) with walkway link.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The appeal building is a Grade II listed building known as 55 Load Street (No: 1100776) and the works described above have been granted Listed Building Consent under reference 25/0074/LBC.

Main Issue

3. The main issue is the effect of the proposal on the living conditions of neighbouring occupiers, with particular regard to privacy.

Reasons

4. The appeal site comprises part of a terrace of mixed-use buildings on burgage plots. To the front of the plot is a four-storey building with the third floor within the roof. This building extends to the rear by way of a flat roof single-storey extension that connects to a two-storey building. The upper floors of the front element contain rear facing windows and the upper floor of the rear element has front facing windows.
5. The rear facing windows on the upper floors allow for some very limited overlooking of the garden space at the rear of the neighbouring flats at No 56 Load Street. However, this is in part blocked by the positioning of the rear extension. Ultimately, the level of overlooking from these windows is, at most, only to a degree typical of terraced properties. The front facing windows of the rear element do not allow views of the garden, but their outlook does include the rear windows of No 56. However, due to the distance between these windows, any degree of overlooking and existing loss of privacy is relatively modest.
6. The large rear-facing windows serving No 56 currently benefit from a good level of privacy. The first-floor window, that on the level of the proposed walkway, appears

to serve a kitchen. From the viewpoints available to me during my site visit, it was not possible to ascertain what the second and third floor windows served.

7. The proposed walkway would be close to the shared boundary with No 56 and link the front and rear upper-floor elements at the appeal site. The proposal therefore brings potential viewpoints closer to the garden and rear windows of No 56. The increased height of the parapet would not meaningfully reduce the opportunity for views of either location.
8. Views from the walkway up to the second and third floor windows of No 56 would be at a more acute angle. However, this angle would not be so acute along the whole of the walkway as to prevent any overlooking or loss of privacy. Nevertheless, I find the relationship between these windows to be akin to views up from ground level to upper floors, as may be expected from a garden up to the rear windows of a neighbouring terraced property. I therefore find this loss of privacy to not be unacceptable.
9. Views of the first-floor window would however be at eye-level along the walkway and therefore provide more direct views into the room behind. Although views into the kitchen would be at an acute angle when close to building, the greater portion of the walkway would still provide sufficiently close and direct views to detriment of the privacy of occupiers at No 56.
10. Their privacy would be further harmed as a result of views being afforded along the majority of the walkway down into the garden of No 56. This would be a significant increase in the existing level of overlooking outlined above and would result in the garden being a less pleasant place to use as a result.
11. Although any harm would be limited to the hours of the proposed office's operation, which could be controlled via condition, I cannot be certain that the neighbouring occupiers, or any future occupiers, would not be at their property during these hours. Requiring the neighbouring occupiers to have their curtains or blinds closed would not be acceptable and would likely result in the first floor room being a dark and oppressive space harmful to the occupier's living conditions. This would also not protect the privacy of the garden space.
12. Similarly, should a taller boundary wall be installed as a privacy screen along the side of the walkway, this would likely create an overbearing feature to the detriment of the quality of the garden. Restricting the walkway to only being used as a circulation space rather than a space available for staff at the office to congregate would also not sufficiently restrict the level of overlooking and loss of privacy outlined above.
13. I note that the Council referred to the effect of the proposal on the living conditions of the occupiers at No 56 as being "minimal". However, this was not their full decision and does not preclude them from making this decision as part of their assessment.
14. The proposal would not provide an adequate level of privacy for neighbouring occupiers and, as such, would unacceptably affect the living conditions of the neighbouring occupiers at No 56 Load Street as a result of overlooking from the proposal walkway. It therefore conflicts with Policies DM.24 and DM.25 of the Local Plan 2016-2036 which, amongst other things, require that developments provide an adequate level of privacy and not have a serious adverse effect on the

amenity of neighbouring occupiers. The proposal would also conflict with the National Planning Policy Framework (the Framework), including Paragraph 135 which seeks for proposals to promote well-being and a high standard of amenity.

Planning Balance and Conclusion

15. The proposal would make use of the front element's upper floors which, at the time of my visit and barring one room, were clearly infrequently used. The more recently used room appeared to be storage for decorations associated with the bar. These upper floors were tired, and their use may secure renovation works to sustain and enhance the significance of the listed building.
16. However, it has not been demonstrated that use and renovation of the upper floors could not be secured through means that do not result in the harm identified above. It has also not been suitably demonstrated that the proposal before me is the only way to secure the optimum viable use of the building, which is already being used as a bar on the ground floor.
17. In particular, the upper floors of the front element are accessed via a staircase within the bar area of the ground floor. While this access may not be suitable for a separate use on the upper floors, and it may not be possible to alter the frontage of the building, this does not mean that the proposal before me is necessary to ensure that the upper floors are used. This matter therefore only affords modest support to this proposal.
18. The proposal would also lead to a small and time-limited benefits to the local economy during the construction phase as well as some economic benefits resulting from future occupiers of the offices. Given the small scale of the proposal this would attract, at most, modest weight.
19. A lack of objections from interested parties does not mean that there is a lack of harm and does not preclude me from finding harm. Similarly, although the proposal may not result in harm related to drainage, flood risk, ecology, character and appearance or highway safety, this lack of harm is not a benefit in itself and weighs neutrally.
20. Conversely, the proposal would result in harm by way of harm the living conditions of the neighbouring occupiers at No 56 Load Street in conflict with the development plan taken as a whole. This attracts moderate weight and outweighs the benefits associated with the proposed development.
21. The proposal would, therefore, conflict with the development plan as a whole and there are no other considerations, including the Framework, that outweigh this conflict. Therefore, for the reasons outlined above, I conclude that the appeal is dismissed.

Samuel Watson

INSPECTOR