



Appeal Decision

Site visit made on 20 October 2025

by **P D Sedgwick BSc (Hons) DipTP MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 10 November 2025

Appeal Ref: APP/R1845/W/25/3369317

Rear of 41 Clarence Street, Kidderminster, Worcestershire DY10 1RS

- 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 Christian Prince against the decision of Wyre Forest District Council.
 - The application Ref is 25/0222/FUL.
 - The development proposed is erection of a 3 Bed dwelling on former commercial/industrial site.
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Decision

1. The appeal is allowed and planning permission is granted for erection of a 3 Bed dwelling on former commercial/industrial site at Rear of 41 Clarence Street, Kidderminster, Worcestershire DY10 1RS in accordance with the terms of the application, Ref 25/0222/FUL, and the plans submitted with it, subject to the conditions in the attached schedule.

Preliminary Matter

2. I have taken the description of the development in the banner heading above from the council's decision notice as this gives a more accurate description of the development proposed.

Main Issue

3. The main issue is the effect of the proposed development upon the character and appearance of the surrounding area.

Reasons

4. The appeal site relates to land behind 41 Clarence Street, a residential property containing 2 flats. Whereas other properties have rear gardens, land to the rear of No 41 was previously occupied by a commercial building which has been partially demolished with the side and rear brick walls and concrete floor remaining. The site is accessed between Nos 41 and 42.
5. Policy DM.24 of the Wyre Forest District Local Plan (2022) (LP) requires development to complement the character of the area having regard to, amongst other things, common building lines, existing urban grain, and features that contribute to the visual interest of the townscape.
6. Clarence Street mainly consists of red bricked 2 storey terraced houses with ground floor bay windows and a variety of distinctive features, including decorative mouldings or canopies above the front doors, decorative brickwork at the cornices and in some cases along the string courses. They have shallow front gardens,

generally with low brick walls that front onto the pavement. Most houses have single storey rear projecting wings and relatively long rear gardens, with mature trees and vegetation, that back onto the rear gardens of houses on Offmore Road.

7. The shared front and rear building lines and garden depths contribute to the urban grain and pattern of residential development around the appeal site. The design features I have described also contribute to the character and appearance of the area.
8. The proposed development would be set back, well behind the line of other houses in the street, approximately level with the middle of neighbouring gardens. It would therefore be out of keeping with the prevailing pattern and grain of residential development in the area.
9. The proposed detached house would have a 2 storey gabled bay at the front and a catslide roof at the rear with dormer windows on both sides. It would have a relatively simple design with none of the distinctive features I have noted as contributing to the character of the area.
10. However, Nos 15, 27 and 34 are detached dwellings that appear to post-date the terraced houses in the street. They similarly lack the distinctive features that I have described, as does No 41 which has a relatively plain front elevation. Nos 15 and 35 also have 2 storey projecting gabled bays and the latter is set back behind the building line of neighbouring houses. The proposed development to some extent reflects the design of these houses. Furthermore, it would only be visible from the road when stood in front of the access, from which views the proposed development would be an improvement on the existing concrete slab and partly demolished walls.
11. The proposed development would, however, be prominent when viewed from the rear windows and gardens of houses on Clarence Street and Offmore Road. From these views, it would be seen in the context of neighbouring gardens where modest single storey outbuildings are more usual, and a house would appear incongruous and out of keeping.
12. I therefore conclude that the proposed development would conflict with Policies SP.20 and DM.24 of the LP, the Design, Amenity and Shopfronts Supplementary Planning Document (2024) (SPD) and the National Planning Policy Framework (2024) (the Framework) which require high quality development that complements the character of the area and reinforces local distinctiveness.

Other matters

13. Paragraph 125 of the Framework states that substantial weight should be given to using suitable brownfield land within settlements for homes and that proposals should be approved unless substantial harm would be caused.
14. Both parties agree that the site is previously developed land (PDL) and that the proposal accords with Policies SP.2 and SP.3 of the LP which seeks the effective use of land, including brownfield sites, and focuses development on Kidderminster which is the strategic centre for the district. I therefore accord the site's sustainable location and brownfield status substantial weight.
15. Turning to the potential harm caused by the proposed development, the council referred to the perception of overlooking and neighbours raised privacy concerns.

However, the council acknowledged in its officer's report that the proposed development would meet the separation distance between its windows and the boundaries and windows of neighbouring houses set out in the SPD, and I consider the potential for overlooking into gardens would be no greater than already exists from the windows of neighbouring properties. I have noted that it would be prominent when viewed from the rear of neighbouring houses and gardens, but it would not have an overbearing presence on occupiers such that it would cause significant harm to their outlook. In my view, the harm to the living conditions of neighbouring occupiers would not be significant and I accord it limited. Also, it was also not considered significant enough by the council for it to be a reason for refusing the application.

16. There would be environmental benefits of the scheme in terms of bringing a derelict site back into use and remediating potentially contaminated land, in accordance with paragraph 125 of the Framework. There would also be economic benefits from employment during construction. The proposed development would also improve the visual amenity of the area compared to the existing concrete slab and partially demolished walls. Also, although I have found that the proposal would be out of keeping with other houses because of its set back position, it would reflect the historic pattern of development in that evidence indicates that a substantially larger building had been on the site for over 100 years until its recent demolition.
17. I note that the council is able to meet its five year housing supply but that is of negligible weight in terms of assessing any harm that might be caused by the proposal.
18. I have had regard to the examples of appeals provided by the council. Although no details of the schemes have been provided to me, both relate to garden development rather than the redevelopment of a brownfield former commercial site and are not therefore comparable to the appeal proposal.
19. Representations raised concerns over noise and disturbance, parking, access and traffic. Noise and disturbance would be no greater than might be expected from a residential property and during construction can be controlled by a planning condition requiring a construction management plan to limit times of delivery to the site and construction activity. The highways authority is satisfied that the 2 parking spaces and the access and turning area are adequate and notes that trip generation would be less than for a commercial use.

Planning Balance

20. The proposed development would be out of keeping with the established pattern of residential development and due to its height and design appear out of context with neighbouring gardens. However, the harm would be minor and not outweigh the substantial weight I accord to the visual, social and environmental benefits of developing a derelict brownfield site for housing within a sustainable location, in accordance with the strategic policies of the LP and the Framework.

Conclusion and conditions

21. I have considered the conditions suggested by the council. A condition specifying the approved plans, is necessary in the interests of clarity. Conditions concerning external materials and planting are necessary to ensure a satisfactory appearance. A condition limiting permitted development rights is necessary to ensure adequate

amenity space is retained. Conditions preventing the occupation of the development until the parking and turning areas have been provided and cycle parking approved and installed, and preventing a start to development until a Construction Environmental Management Plan has been approved, are necessary to ensure highway safety and encourage alternative modes of transport. A condition requiring a contaminated land remediation scheme is necessary in the interests of public health and safety. The appellant has agreed to the list of pre-commencement conditions proposed by the Council.

22. For the above reasons, taking into account the development plan as a whole and based on the evidence before me and all other matters raised, I conclude that the appeal should be allowed.

P D Sedgwick

INSPECTOR

Schedule of Conditions

- 1) The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans: 1328_01A; 1328_02A; 1328_03A; 1328_04.
- 3) No development shall take place until details and samples; of types and colours of all external 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 details.
- 4) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking and re-enacting that order with or without modification), no development as specified in Part 1, Schedule 2, shall be carried out without express planning permission first being obtained from the Local Planning Authority.
- 5) No works or development shall take place until full details of all proposed planting, and the proposed times of planting, have been approved in writing by the Local Planning Authority, and all planting shall be carried out in accordance with those details and at those times.
- 6) The Development hereby approved shall not be occupied until the access, turning area and parking facilities shown on Drawing No. 1328_02A have been provided. These areas shall thereafter be retained and kept available for their respective approved uses at all times.
- 7) The Development hereby permitted shall not be occupied until sheltered, secure and accessible cycle parking has been provided in accordance with details to be submitted to and approved in writing by the Local Planning Authority. Thereafter the provision shall be retained for the purposes of cycle parking only at all times.

- 8) The Development hereby approved shall not commence until a Construction Environmental Management Plan has been submitted to and approved in writing by the Local Planning Authority. This shall include but not be limited to the following:-
- Duration of works;
 - Size, type and frequency of deliveries to include routes to the site;
 - The hours that delivery vehicles will be permitted to arrive and depart, and arrangements for unloading and manoeuvring;
 - Traffic management measures to include the use of a banksman to oversee all vehicular manoeuvres;
 - Measures to ensure that mud or other detritus is not deposited on the public highway;
 - Details of site operative parking, material storage areas and the location of site operatives facilities as required;
 - Measures to demonstrate that those immediately affected by the construction works will be kept informed and due consideration and courtesy will be shown to the local community.

The measures set out in the approved Plan shall be carried out and complied with in full during the construction of the development hereby approved.

- 9) Unless otherwise agreed by the Local Planning Authority development, other than that required to be carried out as part of an approved scheme of remediation, must not commence until conditions 1 to 5 have been complied with:
1. A preliminary risk assessment (a Phase I desk study) submitted to the Local Authority in support of the application has identified unacceptable risk(s) exist on the site as represented in the Conceptual Site Model. A scheme for detailed site investigation must be submitted to and approved in writing by the Local Planning Authority prior to being undertaken to address those unacceptable risks identified. The scheme must be designed to assess the nature and extent of any contamination and must be led by the findings of the preliminary risk assessment. The investigation and risk assessment scheme must be compiled by competent persons and must be designed in accordance with the Environment Agency's "Land Contamination: Risk Management" guidance.
 2. The detailed site investigation and risk assessment must be undertaken in accordance with the approved scheme and a written report of the findings produced. This report must be approved by the Local Planning Authority prior to any development taking place.
 3. Where the site investigation identified remediation is required, a detailed remediation scheme to bring the site to a condition suitable for the intended use by removing unacceptable risks to identified receptors must be prepared and is subject to the approval of the Local Planning Authority in advance of undertaking. The remediation scheme must ensure that the site will not qualify as Contaminated

Land under Part 2A Environmental Protection Act 1990 in relation to the intended use of the land after remediation.

4. The approved remediation scheme must be carried out in accordance with its terms prior to the commencement of development, other than that required to carry out remediation, unless otherwise agreed in writing by the Local Planning Authority.

5. Following the completion of the measures identified in the approved remediation scheme a validation report that demonstrates the effectiveness of the remediation carried out must be produced, and is subject to the approval of the Local Planning Authority prior to the occupation of any buildings.

6. In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken and where necessary a remediation scheme must be prepared, these will be subject to the approval of the Local Planning Authority. Following the completion of any measures identified in the approved remediation scheme a validation report must be prepared, which is subject to the approval in writing of the Local Planning Authority prior to the occupation of any buildings.

*****End of Conditions*****