
Appeal Decision

Site visit made on 7 October 2025

by **P Brennan BSc (Hons) DipTP MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 11 November 2025

Appeal Ref: APP/D1835/W/25/3368170

18 Newtown Road, Worcester WR5 1HF

- 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 Mr N Ali against the decision of Worcester City Council.
 - The application Ref is 24/00874/FUL.
 - The development proposed is described as: Proposed demolition of 18 Newtown Road and the construction of 4no 1-bedroom apartments, including parking, amenity, and biodiversity enhancements.
-

Decision

1. The appeal is dismissed.

Preliminary Matters

2. The description of development used in the heading above is taken from the decision notice as the description used in the application form included superfluous information.

Main Issues

3. The main issues are:
 - The effect of the proposed development on the character and appearance of the area;
 - The effect of the proposed development on the living conditions of the occupiers of 16 and 20 Newtown Road, with particular reference to outlook, sunlight and daylight;
 - Whether the proposed development would provide satisfactory living conditions for future occupiers, with regard to the provision of private amenity space and cycle provision;
 - The effect of the proposed development on highway safety, with particular regard to the means of access; and
 - Whether the proposed development would make adequate provision for Biodiversity Net Gain (BNG).

Reasons

Character and appearance

4. The appeal site is situated in a row of two and three storey, detached and semi-detached residential properties, and include some small rear courtyards. Most of the properties are similar modern designs and include frontage planting that adds interest to the street. As the housing along Newtown Road, close to the appeal site, is predominantly separated by comfortable gaps, this creates a general sense of spaciousness in the street scene.
5. The existing property is a two-storey, low-rise detached dwelling, which is in a poor state of repair. The property has a large front garden and small courtyard to the rear. The existing dwelling sits behind the general building line established by neighbouring development. Whilst in poor condition, the existing dwelling at first floor level provides a gap on its eastern side that reinforces the sense of spaciousness of local housing plots and therefore makes a positive contribution to the character and appearance of the area.
6. Whilst the proposed building's height would be in keeping with development either side of the site, the proposed massing and scale, in terms of its footprint and volume, would be out of character with the neighbouring dwellings. In occupying the near full width of the plot, the proposed development would introduce a significantly larger building onto the site and would result in the loss of most of the gap that separates the existing dwelling from the neighbouring house to the east. The proposed parking area would also accommodate most of the front garden. As a result, it would provide limited space for landscaping, as shown on the proposed site plan, and would be out of keeping with adjacent plots within the street.
7. I acknowledge that the proposed apartment building, in glanced views, would be read as a pair of semi-detached dwellings owing to its symmetry and that the contemporary design, whilst not reflecting the design of neighbouring residential dwellings, would not be an incongruous design addition to the street scene. However, these positive features of the building's design do not overcome the adverse effects described above.
8. Other than for its immediate neighbour on its western side, the proposed development fails to achieve a design that would reflect the rhythm of neighbouring development, characterised by comfortable gaps and dwellings whose contribution to the street scene is not dominated by on-site parking. For the reasons outlined above, the proposed development therefore fails to respond to the local character or integrate into the established street scene.
9. Consequently, the proposed development would conflict with Policies SWDP5 and SWDP21 of the South Worcestershire Development Plan 2016 (DP). These policies, amongst other things, seeks development proposals to be appropriate to, integrate with and complement the character of the area and respond to surrounding buildings and the distinctive features and qualities that contribute to the visual interest of the townscape. The policies also seek to improve the City's green infrastructure, which in this instance relates to the provision of green space and high quality hard and soft landscaping in accordance with policy SWDP21(xii).

10. The proposal would also be contrary to the South Worcestershire Design Guide Supplementary Planning Document 2018 (the SWDG) which seeks to achieve good integrated design in new development.

Living conditions – existing residents

11. DP Policy SWDP21(iv) requires development to provide an adequate level of outlook, sunlight and daylight and should not be unduly overbearing to neighbouring amenity. The proposed development is for a significantly larger building in width and depth than is currently on the appeal site. This therefore brings the mass of development closer to the neighbouring dwellings.
12. With regards to number 16 Newtown Road, the main part of the apartment building would be located on a similar footprint and location as the existing dwelling. However, the enclosed stairwell would be located to the rear. Whilst this would be located slightly away from the shared boundary, due to the tall embankment at the rear and small existing courtyard garden to number 16, the proposed development would be visually overbearing for the occupiers of this property when using their small rear garden.
13. The existing dwelling on the appeal site has a single storey part of the house, adjacent to number 20, that provides a visual gap at first floor level between these properties. The proposal would see two storey development within 2m of the shared boundary, and this would project further to the rear than the existing house. This would provide a two-storey blank wall that would run alongside the shared boundary for most of the length of the garden to number 20. Consequently, the development would be visually oppressive and overbearing to the occupiers of this property when using their garden. Due to the close proximity to numbers 16 and 20, this relationship would be unduly harmful to the living conditions of the existing occupiers in terms of outlook.
14. The orientation of the rear gardens of numbers 16, 18 and 20 Newtown Road are to the south. However, they all have small courtyard gardens that receive limited sunlight and daylight due to the tall embankment to their rear and therefore are already compromised in terms of natural light due to their size and local topography. As such, any further erosion of the useability of these constrained gardens would have a substantial impact on the quality and usefulness of these spaces.
15. Due to the siting of the proposal and the proximity of two-storey development to the side and rear of number 20, this property would experience a loss of evening sunlight. As such, despite its garden's orientation facing south, the proposal would adversely affect the use of the private rear garden area and rear facing habitable windows. I find that the proposed development would have an unacceptable effect on sunlight to the neighbouring garden and habitable rooms to the rear of number 20.
16. With regards to daylight, the proposed building would be set in from both sides. As such, the proposed development would not have an adverse effect on daylight.
17. Consequently, the proposed development would have an unacceptable effect on the living conditions of the occupiers of 16 and 20 Newtown Road, with regard to outlook and upon number 20 with respect to sunlight. Accordingly, the proposal

would conflict with Policy SWDP21 of the DP and the SWDG, the requirements of which are outlined above.

Living conditions – future residents

18. Further to DP policy SWDP21, Policy 5I of the SWDG identifies that new dwellings must have access to an area of usable private amenity space. The policy explains this can include front or back gardens, roof gardens, decks, or balconies. However, the spaces should not be overshadowed, directly overlooked, steeply sloping or awkwardly spaced and in the case of balconies must be wide enough for seating and should be protected from noise, air pollution and overlooking.
19. The proposed development would provide around 29sq.m of garden space to the rear of the building for the 4 flats. This would be located adjacent to the enclosed staircase and number 20. A further 6.4sq.m would be provided within two balconies attached to the first-floor apartments. The proposed provision would fall substantially below the required 20sq.m per dwelling.
20. Furthermore, the rear ground floor space would be compromised by the tall embankment to the rear and its limited access to sunlight and daylight. Based on the application drawings, it would also not be directly accessible from the ground floor apartments, with all future occupiers having to access the space via the side passageway between the proposal and number 20 and with the first-floor occupiers having to walk through the space to access the staircase to the apartments. Number 20 would also obliquely overlook the area.
21. Consequently, the courtyard would have limited appeal, would be unlikely to have any meaningful purpose, and would be rarely used by the future occupiers. Also, the balconies would be located to the front of the proposed building and as they would be north facing they would receive little sunlight. Due to their position facing the road, occupiers would be likely to find them noisy, overlooked and exposed to vehicle borne air pollution. Subsequently, this would limit their use. They would however provide 'owned' space to the first-floor apartments.
22. Cycle parking for 4 bicycles would be located in an area of the rear courtyard that would not be overlooked by occupiers of the ground floor units as the enclosed staircase would be positioned adjacent to the proposed cycle storage. Also, the entrance to the storage would be accessed via a tight passageway offering limited safety and security. Consequently, I find that the cycle storage as proposed would not provide safe or well overlooked facilities. The accessibility, security and enclosure of the cycle storage could be addressed via planning conditions. Nonetheless, in meeting these matters, the proposal would not address my main concerns with respect to the lack of a view of the cycle store from any of the proposed flats.
23. Overall, for the reasons given, the proposed development would not provide satisfactory living conditions for future occupiers, with regard to the provision of private amenity space and cycle provision. Accordingly, the proposal would conflict with Policies SWDP4 and SWDP21 of the DP, the SWDG and the Streetscape Design Guide Supplementary Planning Document (SPD), the requirements of which are outlined above. Amongst other things these requirements include new development offering genuinely sustainable travel choices and minimising the demand for travel.

Highway safety

24. Newtown Road is a classified 'B' road with a 30 miles per hour speed limit. The existing property has no off-street parking and a front retaining boundary wall of at least 1.5m in height. Newtown Road is double yellow lined in front of the residential properties preventing on-street car parking. The road is also a bus link with bus stops within walking distance of the site. The car parking and manoeuvring spaces alongside the access would meet the minimum size requirements as established within the council's SPD. However, sufficient circulation space around the parking spaces is also required.
25. The proposed car parking layout would be awkward and constrained due to the site topography and front boundary retaining wall. The nature of the car parking layout is likely to result in vehicles being unable to enter and exit the site in a forward gear, due to the constrained manoeuvring area. Due to the restrictions on visibility when reversing this would increase the risk of a vehicle coming into conflict with other highway users adversely affecting highway safety.
26. Despite the width of the access according with the SPD standards, the awkward and constrained layout and manoeuvring space would result in vehicles that would exit the site in way that would prevent vehicles entering the site at the same time. This could lead to vehicles waiting on the highway or footway. I have taken into consideration the adjacent property which has a driveway that does not allow for turning. However, the proposed development is for a larger number of dwellings than the adjacent property which would lead to a greater likelihood of conflict taking place on the highway. Consequently, I find that the proposed development would not provide a safe access onto Newtown Road.
27. For the reasons outlined above, I conclude that the proposed development would harm highway safety, contrary to Policies SWDP4 and SWDP21 of the DP and the Streetscape Design Guide, which, amongst other matters, seek to prevent such harm.

Biodiversity Net Gain

28. BNG is required under a statutory framework introduced by Schedule 7A of the Town and Country Planning Act 1990 (as inserted by Schedule 14 of the Environment Act 2021) (the TCPA 1990). Under the statutory framework for BNG, subject to some exceptions, every grant of planning permission is deemed to have been granted subject to the condition that the biodiversity gain objective is met. As such, unless specifically exempt, the development would be subject to the mandatory Biodiversity Gain Plan (BGP) condition, which requires the delivery of at least 10% BNG. This can be achieved through onsite biodiversity gains, registered offsite biodiversity gains or statutory biodiversity credits.
29. The appeal includes an updated Preliminary Ecological Assessment, Biodiversity Net Gain Assessment and Metric calculation. The Council have provided comment on the revised documents. The BNG matrix was produced by a chartered ecologist and whilst the inputs are disputed between the parties, it indicates that a 10% BNG could be achieved through a mix of on-site gain and off-site credits. However, the final landscaping design, along with any off-site units, could be set out in the BGP and a habitat management and monitoring plan.

30. The Planning Policy Guidance (PPG) is clear that planning permission cannot be withheld on the grounds that the biodiversity gain objective may not be met. Based on the evidence before me, I am satisfied that the development could achieve the required 10% BNG and that the BGP condition, required by paragraph 13 of Schedule 7A of the TCPA 1990, is capable of being successfully discharged through a combination of on-site and off-site units.

Other Matters

31. The Council notes that the existing dwelling, due to its age and architectural detailing, could be of sufficient significance to be considered a non-designated heritage asset (NDHA). However, as I observed, the building has undergone significant alterations that have reduced its architectural quality. Limited evidence has been offered to justify why the building should be regarded as a NDHA, where such identification should be based on sound evidence.
32. The proposal would result in the demolition of the building, resulting in its complete loss. However, based on the degree of alteration, the building is of low historic significance. The PPG states that NDHA's must have a degree of heritage significance to merit consideration in planning decisions. The existing building has little heritage significance and therefore would not meet this requirement and should not, therefore, be regarded as a NDHA.
33. As the appeal site does not include a NDHA, the loss of the existing building would not result in the loss of a heritage asset, and I do not therefore need to consider this further in the planning balance below.

Planning Balance

34. The Council acknowledges that it does not have a demonstrable 5-year supply of deliverable housing sites, with current supply placed at 2.37 years.
35. In this circumstance, paragraph 11 of the National Planning Policy Framework (the Framework) is engaged, whereby planning permission should be granted unless (i) policies in the Framework that protect areas or assets of particular importance provide a strong reason for refusing the development, or (ii) any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole, and having particular regard to key policies for directing development to sustainable locations, making effective use of land, securing well-designed places and providing affordable homes, individually or in combination. There is nothing to suggest 11(d) (i) is relevant to this case, hence the balance in 11(d) (ii) applies.
36. The proposal would deliver a net gain of three dwellings, where the housing land supply falls significantly below the level of supply required by national policy. Paragraph 73 of the Framework recognises that small and medium sized sites can make an important contribution to meeting the housing requirement of an area. Socially, and considering the magnitude of shortfall in the area's housing supply, the provision of 3 additional dwellings would make a valuable contribution to the Council's housing land supply and thus would contribute to the Government's objective to significantly boost the supply of homes.
37. Given the current housing land supply position, the benefits of housing delivery attract increased weight, even though the provision of three dwellings would only

make a small difference to housing supply. The scheme would make use of a brownfield site in a sustainable location. Overall, the related social and economic benefits alongside housing delivery would attract notable weight.

38. The proposed development would not satisfy the Framework's key policies at paragraphs 129 and 135. These support development that is well-designed and makes efficient use of land, taking into account the desirability of maintaining an area's prevailing character and setting, is sympathetic to local character and history, including the surrounding built environment and provides a high standard of amenity for existing and future users. I therefore afford considerable weight to the proposal's conflict with Policy SWDP21.
39. Also, the proposal would not provide a safe access and egress to the site from Newton Road, due to the constrained nature of the access, parking and turning area. The proposal would therefore have an unacceptable impact on highway safety as outlined in paragraph 116 of the Framework. The proposed cycle storage fails to meet policy requirements and in doing so would conflict with Policy SWDP4 which seeks development that provides a genuine sustainable travel choice and minimises demand for travel.
40. Consequently, I find that the adverse impacts of the proposal and conflict with Policies SWDP4, SWDP5 and SWDP21 of the DP alongside the policies within the SWDG and the SPD, would significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework taken as a whole.

Conclusion

41. 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. Therefore, for the reasons given above, the appeal should be dismissed.

P Brennan

INSPECTOR