



Appeal Decision

Site visit made on 3 November 2025

by D Marley BA (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 25 November 2025

Appeal Ref: APP/D1835/W/25/3370937

Land rear 26-28-30 Malvern Road, St. Johns, Worcester WR2 4LG

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant outline planning permission.
 - The appeal is made by Messrs Beresford + Reynolds against the decision of Worcester City Council.
 - The application Ref is 25/00332/OUT.
 - The development proposed is described on the application form as “demolition of outbuildings/garage & erection of dwelling.”
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The appeal scheme relates to an outline proposal, with access, layout and scale to be considered at this stage, and with other matters reserved for future consideration. I have considered the appeal accordingly.

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 highway safety and parking provision; and
 - the effect of the proposed development on the living conditions of neighbouring occupiers, with particular regard to privacy and natural light.

Reasons

Character and appearance

4. The appeal site includes a cluster of single storey buildings constituting a garage, workshop and store alongside other land associated with the adjoining fishing tackle shop. Adjacent terraced properties on Abbey Road and Malvern Road are constructed in a regimented pattern of development, with a broadly consistent approach to layout and scale. There are additionally a number of semi-detached and detached dwellings nearby, typically set back from the highway, within larger plot sizes.
5. The proposed development would be set between two groups of terraced buildings that run along Abbey Road and Malvern Road. The proposed dwelling would be set

on a relatively small plot and would broadly follow the building line of the adjacent terraced properties along Abbey Road, rather than set back from the highway on a larger plot as is typical of semi-detached and detached dwellings in the vicinity. The proposed development would therefore appear inconsistent and cramped when compared to the established scale and massing of nearby development. Whilst the proposed development would act as infill between existing built development, the introduction of a detached dwelling in the manner proposed would appear out of context with the established street scene, and fail to pay regard to the established urban grain and development pattern within the area.

6. I acknowledge the appellant's argument that the existing cluster of single storey buildings does not make a positive contribution to local character, and that the proposed development would result in an overall reduction in built footprint. Nevertheless, these matters do not justify a proposed development that I have found to be harmful. Equally, whilst the appellant suggests that the dwelling could draw from local character in terms of materials, appearance is a reserved matter. In any event, the use of similar materials would not be sufficient to overcome the harm I have identified.
7. Overall, I conclude that the proposed development would harm the character and appearance of the area. The proposal would therefore conflict with the relevant provisions of Policy SWDP 21 of the South Worcestershire Development Plan 2016 which, amongst other matters, seeks to ensure development integrates effectively with its surroundings and complements the character of the area.

Highway safety

8. The proposed development includes 2 parking spaces, which would be accessed from Abbey Road. Whilst not precisely set out in the reason for refusal, the Council and local highways authority have both raised concerns as to whether sufficient space is available for the parking of 2 cars as well as the impact of this on the proposed cycle and bin storage, and whether safe and suitable access to the site can be achieved.
9. Abbey Road is a narrow residential street. On my site visit, whilst only representing a snapshot in time, I observed that there were a large number of vehicles parked on the street, including opposite the appeal site.
10. The proposed parking spaces would be located immediately adjacent to the proposed dwelling, and to the proposed kerb and pathway serving the rear of 26-30 Malvern Road. Whilst the appellant has referenced the width of the proposed parking spaces, evidence has not been presented to demonstrate there is sufficient circulation space available to provide future occupiers two usable parking spaces, due to the presence of the proposed dwelling and kerb.
11. With the above in mind, and taking into account the character of the area, any additional on-street parking as a result of the proposed development is likely to add to existing on-street parking levels on Abbey Road. It would also likely result in inconsiderate parking as individuals seek to park near the property where provision is limited. This is likely to lead to some frustration and potentially impede the free flow of traffic and pedestrians and potentially be detrimental to highway safety.
12. The need for additional space to park cars would also increase the likelihood of the usability of the proposed cycle and bin storage being compromised due to lack of

room to pass a parked car. This would adversely affect opportunities for future occupiers to access cycle linkages as well as pedestrian accessibility from the site to the highway.

13. In addition, the width of Abbey Road and volume of parked vehicles act to limit the manoeuvrability of vehicles arriving at or departing the appeal site, increasing the risk of collisions with parked cars. Information has not been presented to show that vehicles can safely access and egress the site. It has not therefore been demonstrated that access to the site can be achieved without risk of conflict with other road users.
14. For these reasons, the proposed development would have an unacceptable impact on highway safety and parking provision. The proposed development would conflict with the relevant provisions of SWDP 4 and SWDP 21 of the South Worcestershire Development Plan 2016. Amongst other matters, these policies require development proposals to incorporate appropriate facilities for vehicular and cycle parking, address road safety and offer sustainable travel choices.
15. Even were I to find this matter acceptable, it would not overcome the harm identified in the main issue above.

Living conditions – neighbouring occupiers

16. The proposed development would introduce a new dwelling in proximity to the residential dwelling of 1 Abbey Road, and to the rear of properties adjoining the appeal site along Malvern Road.
17. In terms of privacy, first floor windows are proposed to the front and rear of the property. No first floor windows are proposed on the side elevations. Direct visibility from these windows would be primarily to the street and nearby rear gardens, rather than more private living areas. The established built form already allows for a high degree of visibility from a variety of existing first floor windows to rear gardens. In addition, the proposed dwelling would be separated from adjoining rear gardens by its own private amenity space. Given the proposed location of the dwelling and the existing pattern of development, the proposed development would not materially harm levels of privacy for neighbouring occupiers.
18. Although the Council's decision notice references the effect of the proposed development on daylight reaching adjacent windows, concerns have additionally been raised by the Council regarding the effect of the proposed development on sunlight reaching the windows of neighbouring properties. I have been provided with no technical assessment by either party setting out the effects of the proposed development on these matters.
19. There are no windows on the side elevation of 1 Abbey Road that would be affected by the proposed development. For this reason, I conclude that the proposed development would not materially harm the extent of natural light reaching the windows of No 1.
20. The development also has the potential to affect natural light reaching the windows to the rear of 26, 28 and 30 Malvern Road. Natural light reaching the rear windows of Nos 26 to 30 is already influenced by the presence of the existing single storey workshop immediately adjacent, and by the presence of the two storey dwelling at 1 Abbey Road. The workshop would be removed as a result of the proposed

development, which would be likely to increase the amount of natural light reaching the ground floor windows of Nos 26 to 30. Equally, the appellant's statement that the first floor rear windows of Nos 26 to 30 do not serve habitable rooms has not been substantively challenged by the Council or other parties. In any event, the proposed development would be set back from these windows, with the area of proposed parking allowing a degree of daylight and sunlight to reach both ground and first floor openings. Based on the evidence before me, the extent of existing development, and the proposed set back nature of the dwelling coupled with the proposed removal of the workshop, I am satisfied that there would be no harm to the living conditions of neighbouring occupiers in respect of natural light.

21. I therefore conclude that the proposed development would not result in an adverse impact upon the living conditions of neighbouring occupiers, with particular regard to privacy and natural light. The proposed development would comply with the relevant provisions of Policy SWDP 21 of the South Worcestershire Development Plan 2016 insofar as the policy requires development to, with regards neighbouring amenity, ensure an adequate level of privacy, sunlight and daylight is provided.

Other Matters

22. I note that the Council has raised concerns as to whether the proposal would deliver sufficient internal space and private amenity space. However, there is no reference to nationally described space standards, or internal and external space standards more generally, within any policy or guidance that is before me. Whilst I have taken this aspect into consideration, I have afforded it only limited weight. Based on the submitted plans, and the South Worcestershire Design Guide Supplementary Planning Document Overarching Design Principles, the proposed development would appear to provide an acceptable standard of accommodation for future occupants.
23. The appellant sets out that the proposed development would not result in overshadowing or overlooking nor be overbearing to the occupiers of adjoining properties. I have considered above matters relating to living conditions and have identified no harm. In addition, the appellant identifies that the new dwelling would not be at risk of flooding, would incorporate a sustainable drainage system and water harvesting, and would be provided with an electric charging point. There is no dispute between the appellant and Council on those matters and, based on the evidence before me, there is no reason to disagree with those findings. Nevertheless, the lack of harm in these regards is effectively neutral in my determination of this appeal.
24. Whilst the appellant identifies that the proposal would result in the erection of a "custom built" dwelling, there is no evidence before me to suggest that the proposed development would meet the definition of custom housebuilding as set out in the relevant legislation¹, nor has a mechanism been proposed to secure this. This matter therefore weighs neutrally in my determination of this appeal.
25. I acknowledge that the proposal would provide an additional dwelling, and support the provision of housing in the city. However, the contribution would be very limited by reason of the scale of the development proposed. This benefit would not outweigh the harm I have identified.

¹ Self-build and Custom Housebuilding Act 2015

Conclusion

26. For the above reasons, having had regard to the development plan as a whole and all other relevant material considerations, I conclude that the appeal should be dismissed.

D Marley

INSPECTOR