



Appeal Decision

Site visit made on 6 January 2026

by Alexander O'Doherty LLB (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 26 January 2026

Appeal Ref: APP/D1835/W/25/3375084

Rear of 37 Lowesmoor, Worcester WR1 2RS

- 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 Ball (Holdings) Ltd against the decision of Worcester City Council.
 - The application Ref is 25/00288/FUL.
 - The development proposed is described on the application form as, "ERECTION OF 1ST FLOOR FLAT OVER 1 NO. APPROVED CONVERSION (24/000357/FUL) (APPEAL APP/D1835/W/24/3353486)".
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are:
 - whether the proposed development would preserve or enhance the character or appearance of the Lowesmoor Conservation Area;
 - the effect of the proposed development on the setting and significance of the Grade II listed building, 37 Lowesmoor;
 - whether the proposed development would provide satisfactory living conditions for future occupiers, with particular regard to daylight, sunlight, and outlook; and
 - the effect of the proposed development on the living conditions of the occupiers of neighbouring properties, with particular regard to daylight, sunlight, and visual impact.

Reasons

Conservation area

3. The appeal site comprises a single-storey building, a yard, and a parking area situated to the rear of 37 Lowesmoor (No 37), located in a mixed residential and commercial area. The site is located adjacent to Black Horse Walk, which runs from Sansome Place to Lowesmoor. Appeal decision Ref APP/D1835/W/24/3353486 granted planning permission for the redevelopment of the building on site into a residential unit.
4. The site is within the Lowesmoor Conservation Area (conservation area). The Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended) provides at s72(1) that with respect to any buildings or other land in a conservation

area, special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area.

5. The significance of the conservation area, as a whole, as a designated heritage asset is derived predominantly from its abundance of historic industrial, commercial, and residential buildings found within the former industrial area to the south of the conservation area, and within Lowesmoor to the north. Lowesmoor has a tight-knit pattern of development comprising 18th and 19th century buildings (often incorporating reddish-brown brick), including several listed buildings.
6. The function of the yard and parking area is congruent with the primary function of the immediately adjacent land in facilitating movement between Sansome Place and Lowesmoor and movement to residential buildings to the rear of Lowesmoor in the vicinity of the site. The single-storey building on site adds little to its surroundings in terms of its contribution to the aesthetic of the area, although it does clearly frame part of the side of Black Horse Walk. Hence, the site's contribution to the character and appearance of the conservation area is neutral.
7. No 37 benefits from an existing 2-storey rear addition. The proposed first floor extension would be sited over and within the same footprint as the existing single-storey building, but it would be noticeably separated from the existing rear addition. The abrupt change in levels caused would mean that the proposed development would not appear sufficiently integrated with nearby buildings. Rather, the proposed development would appear as an incongruous feature, particularly when seen from Black Horse Walk.
8. The cladding used on the block of flats directly opposite the site to the west provides a welcome counterpoint to the substantial use of brick in that building. In contrast, the proposed development's overly-extensive use of cladding and aluminium sheeting would give the proposed development a utilitarian appearance. Moreover, the proposed screened balcony would appear as a contrived add-on, given its limited size and the utilitarian appearance of the remainder of the proposed development.
9. Taking all of the above into account, as an unattractive and incongruous feature in its context, the proposed development would undermine the architectural interest of the conservation area, thereby harming its significance. As the harm would be confined to the local area, less than substantial harm would be caused to the significance of the conservation area, and the extent of the harm identified would be moderate. I consider whether the less than substantial harm would be outweighed by public benefits in the heritage and planning balance below.
10. I therefore find that the proposed development would not preserve or enhance the character or appearance of the conservation area. It would conflict with part B. i. of Policy SWDP 6 of the South Worcestershire Development Plan (adopted 2016) (SWDP) which provides that, amongst other things, development proposals will be supported where they conserve and enhance the significance of heritage assets, including their setting, including conservation areas. It would also conflict with part A. of Policy SWDP 21 of the SWDP which provides that, amongst other things, all development will be expected to conserve, and where appropriate, enhance cultural and heritage assets and their settings.

Listed building

11. The heritage significance of No 37 arises due to its early 19th century construction with later alterations including a ground floor shopfront of late 19th century and later restorations. The Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended) provides at s66(1) that in considering whether to grant planning permission for development which affects a listed building or its setting, special regard shall be had to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.
12. The low-lying building on site allows the distinctive brickwork at the rear of No 37 to be appreciated in nearby views. Apart from the use of complementary brickwork, many of those buildings within the setting of No 37 (to No 37's rear) share little in common with No 37's architectural design and historic features. Nevertheless, their scale and form is such that they do not detract from its significance.
13. As explained on the first main issue above, the proposed development would constitute a visually incongruous structure sited in close proximity to the rear of No 37. Moreover, due to its height and width, the proposed development would obscure a portion of No 37's distinctive and attractive brickwork, when seen from Sansome Place. As such, the proposed development would detrimentally affect the ability to appreciate No 37's architectural and historic significance. Less than substantial harm to its significance as a designated heritage asset would be caused, and the extent of the harm caused would be moderate. I consider whether the less than substantial harm would be outweighed by public benefits in the heritage and planning balance below.
14. I therefore find that the proposed development would harm, and therefore fail to preserve, the setting and significance of No 37. It would conflict with part B. i. of Policy SWDP 6 of the SWDP which provides that, amongst other things, development proposals will be supported where they conserve and enhance the significance of heritage assets, including their setting, including listed buildings. It would also conflict with part A. of Policy SWDP 21 of the SWDP which provides that, amongst other things, all development will be expected to conserve, and where appropriate, enhance cultural and heritage assets and their settings.

Living conditions: future occupiers

15. The Council have stated that the development considered by the Inspector in appeal decision Ref APP/D1835/W/24/3353486 included 3 windows along one of the side elevations of a reasonable size. This has not been disputed by the appellant. The proposed development would not follow this approach, but rather would incorporate balcony doors, a singular window on the side elevation facing Black Horse Walk, a small high-level window on the other side elevation (serving a bedroom), and 3 small rooflights.
16. In the absence of any technical information to show otherwise, it has not been demonstrated that the limited number and size of the windows would not be likely to create a substandard quality of living accommodation for the future occupiers of the proposed development, with respect to the provision of daylight and sunlight. Furthermore, the only available outlook from habitable rooms would be from the

balcony doors. Such a paucity of outlook would likely result in an oppressive internal living environment.

17. I therefore find that the proposed development would not provide satisfactory living conditions for future occupiers, with particular regard to daylight, sunlight, and outlook. The Reasoned Justification for Policy SWDP 21 of the SWDP makes clear that the policy is intended to ensure that there is no unacceptable detrimental impact on the amenity of new residents or occupants resulting from the new development, and in this respect the proposed development would conflict with part B. iv. of Policy SWDP 21 which provides that, amongst other things, development should provide an adequate level of outlook, sunlight and daylight.

Living conditions: occupiers of neighbouring properties

18. The site is located on the boundary with Black Horse Walk, in close proximity to the side elevation of 41 Lowesmoor (No 41), which has several windows at first floor level in the 2-storey part of No 41's rear projection which directly faces the site. Due to its height and close proximity to these windows, the proposed development would be likely to unduly reduce the amount of sunlight received to these windows, especially during the afternoon and early evening. Similarly, due to its proximity to these windows, the proposed development would have a reducing effect on daylight received to them. Moreover, the tall and wide proposed extension so close to these windows would be prominent and overbearing in views from them. These factors, in combination, this would likely make the affected rooms much less pleasant to use.
19. The building immediately to the rear of No 41 is sufficiently separated from the site such that the living conditions of its occupiers would not be unduly impacted in terms of daylight, sunlight, and visual impact. Similarly, given its siting to the west of the site and the path of the sun, and its distance from the site, any impacts to the living conditions of the occupiers of the block of flats immediately to the west of the site would not be harmful. This lack of harm does not however overcome the harm identified to the living conditions of the occupiers of No 41 mentioned above.
20. I therefore find that the proposed development would have an unacceptable and harmful effect on the living conditions of the occupiers of No 41, with particular regard to daylight, sunlight, and visual impact. It would conflict with part B. iv. of Policy SWDP 21 of the SWDP which provides that, amongst other things, development should provide an adequate level of sunlight and daylight, and should not be unduly overbearing.

Other Matters

21. Policy SWDP 24 of the SWDP, referenced in the Council's decision notice, primarily deals with the methods by which heritage assets will be considered by the Local Planning Authority, and so is not directly relevant to the main issues above. Nevertheless, the policies of the development plan cited on each main issue above are sufficient for me to come to a view on each main issue.

Heritage and Planning Balance

22. The proposed development would provide one new residential unit in an area with easy access to a wide range of shops, services, and facilities. It would provide a minimal contribution towards addressing the Council's shortfall in housing land

supply, which based on the evidence before me is not insignificant. Due to the very limited quantum of development proposed, this matter merits little weight in favour of the proposed development.

23. In the short-term, the proposed development would provide a limited contribution to the local economy via the construction phase. Any contributions towards the economy and the local community from the activity of the future occupiers over the long-term would not likely be significant. In combination, these matters also attract little weight in favour of the proposed development.
24. Planning law requires that each individual incidence of harm to a designated heritage asset must be given considerable importance and weight. Considering the great weight which must be given to the conservation of designated heritage assets (as mandated by the National Planning Policy Framework (the Framework)), these public benefits would not outweigh the harms identified to the significance of the conservation area and to No 37.
25. It follows that the proposed development would conflict with the development plan when considered as a whole. This is a matter which weighs strongly against the proposed development.
26. The proposed development would conflict with the policies of the Framework which seek to protect designated heritage assets. In this regard, the level of harm identified to the significance of the conservation area and to No 37 provides a strong reason for refusing the proposed development. It follows that paragraph 11 d) i. of the Framework is applicable. The proposed development would not benefit from the presumption in favour of sustainable development, detailed at paragraph 11 of the Framework.
27. Overall, none of the relevant material considerations indicate that this appeal should be decided otherwise than in accordance with the development plan.

Conclusion

28. For the reasons given above, having considered the development plan as a whole, the approach in the Framework, and all other relevant material considerations, I conclude that the appeal should be dismissed.

Alexander O'Doherty

INSPECTOR