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# Appeal Decision

Site visit made on 6 November 2018

**by Eileen Griffin LLB Hons**

**an Inspector appointed by the Secretary of State**

**Decision date: 10 December 2018**

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**Appeal Ref: APP/J1860/W/18/3207450**

**Maple House, Gilberts End Lane, Hanley Castle WR8 0BX**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
  - The appeal is made by Miss Emma Thompson against the decision of Malvern Hills District Council.
  - The application Ref 18/00182/FUL dated 4 February 2018 was refused by notice dated 30 May 2018.
  - The development proposed is 3 bedroomed detached cottage with 2 bay garage.
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## Decision

1. The appeal is dismissed.

## Procedural Matters

2. The plans relied upon by the Council in forming its decisions are listed below<sup>1</sup>. I have also determined the appeal on the basis of the plans before the Council when the decision was made and any later plans submitted have therefore been considered to be illustrative only.
3. The development plan for the area is the Worcestershire Development Plan (SWDP). Both parties have also referred to the Hanley Castle Parish Neighbourhood Plan 2016 -2030 (the Neighbourhood Plan). I am informed that the Examiner's report was issued on the 20<sup>th</sup> August 2018. In accordance with paragraph 48 of the National Planning Policy Framework (the Framework), I also attribute substantial weight to policies in the Neighbourhood Plan, as it is at advanced stage.

## Main Issues

4. The main issues are the effect of the appeal proposal on (i) the character and appearance of the area (ii) the living conditions of the occupiers of 4 Brinkley Drive with particular regard to outlook and (iii) highway safety with regard to the proposed access to the highway.

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<sup>1</sup>TP1 –Elevation Plan, PT2B-Location Plan, PT3A – Block Plan, R1 – Position of Brinkley Drive, R2 –Shared Driveway

## Reasons

### *Character and Appearance*

5. Maple House is one of a small number of houses between Gilberts End Lane the B4209 and the B4211. Some properties have their own access but others have a shared drive arrangement where the properties are set further back and have no direct access to the highway.
6. Brinkley Drive is a small cul de sac of 4 recently completed detached houses in large plots and No 4 Brinkley Drive backs on to the part of the garden of Maple House. The dwellings adjoining the appeal site are relatively large dwellings and sit on large plots. Although they vary in age and architectural style, the size of the gardens in which they sit and the ample distances between dwellings contributes to the attractively spacious character of the area. Maple House itself is set some distance away from other properties in keeping with the prevailing character of the immediate area.
7. The proposed dwelling would be positioned in the western corner of the site close to the common boundary with No 4 Brinkley Drive set back between 1 to 2 metres. The resulting juxtaposition of dwellings, with very limited space between buildings would appear cramped and in views from Maple House and Brinkley Drive would appear out of keeping with the surrounding properties, which are set in spacious plots with the dwellings in a more central position.
8. I therefore conclude that the appeal proposal would be harmful to the character and appearance of the area and contrary to the South Worcestershire Development Plan (SWDP) Policies 21 and 25 which, amongst other things, refers to developments being appropriate in terms of the setting of the site with regard to visual amenity and scale and height and massing. The proposal is also contrary to the Neighbourhood Plan Policy MnGr4, which amongst other things, refers to development being well designed.
9. It would also be contrary to the principles of the National Planning Policy Framework (the Framework) which, seeks amongst other things, to provide development that is visually attractive and provides a good standard of amenity.

### *Living Conditions*

10. The side elevation of the proposed development would include a one and a half storey blank wall element of the main part of the house and the single storey utility and 2 bay garage. This side elevation would sit close to the boundary of No 4 and extend approximately 21 metres along the common boundary. The separation distance between the two houses would be approximately 14 metres with the rear windows of 4 Brinkley Drive facing onto the appeal building.
11. Taking account of the length and height of the proposed flank elevation, and its position along the boundary, it would dominate views from the rear of No4 to the extent that it would be an overbearing intrusion which would harm the living conditions of existing occupiers. The provision of fencing and landscaping would not be sufficient to mitigate this impact.
12. I note that the South Worcestershire Design Guide Supplementary Planning Document (SPG) recommends a minimum separation distance of 12m, which is less than the separation distance in this case. However, the distance referred

to relates to extensions, not new dwellings and in any case, is intended as guidance only.

13. The proposal would therefore be contrary to Policies 4 and 21 of the South Worcestershire Development Plan (SWDP) which amongst other things, requires that development has no significant adverse impacts on the amenities of neighbouring properties. It would also conflict with Neighbourhood Plan Policy MnGr4 which refers to backland development being acceptable where it meets the requirements of the SWDP.

#### *Highway Safety*

14. The proposed access onto Gilberts End Lane would be via the private drive currently shared by Maple House and Thornridge. The access to the north when emerging from the drive, could serve as a passing place. However, on my site visit, I observed that the presence of hedging and trees severely impeded views to the south with exiting users being likely to need to edge forward to check oncoming traffic. This represents a significant impediment to highway safety for both existing users and for traffic arising from the proposed development.
15. The appellant has referred to other accesses in the area that have been permitted. I note that planning permission for Crosshands Cottage and its access was granted in 2011 when different policy considerations applied. My attention has been drawn to the existing arrangements at other nearby properties. Whatever the quality of these other access points, their presence does not negate the impact of the proposal before me in terms of highway safety. The recent development at Brinkley Drive benefits from a new access which does not have the same physical constraints of the appeal access in terms of visibility.
16. The Council's Worcestershire Design Guide sets out the requirements for access to shared properties and visibility requirements. The plan PT2B shows the appellant understanding of the ownership of the existing access which is partially owned by three parties, with the appellant owning one part jointly with Thornridge. Plan R1 shows visibility splays that do not meet the Council's requirements. A later illustrative plan A5a shows a wider visibility splay but that extends beyond the current access. However, I cannot be assured that this access is achievable and so based on the information I have, the access to the proposal would be sub-standard. Whilst it is accepted that the current access is used by existing occupiers, adding more users is not acceptable in highway terms when the access does not meet satisfactory standards and so is likely to be harmful to highway safety.
17. The access arrangements are therefore contrary to SWDP Policies 4 and 21 which amongst other things state that vehicular traffic from the highway should be able to access the highway safely and that proposals must demonstrate that they have addressed road safety. The arrangements are also contrary to Paragraph 108 of the National Planning Policy Framework which states that that safe and suitable access to the development site can be achieved for all users.

### **Other Matters**

18. The appellant considers that the granting of planning permission for Brinkley Drive created privacy issues for Maple House. The previous permission is not a matter before me, and I am considering this application on its own facts and merits.
19. The appellant considers that the proposal complies with Neighbourhood Plan Policy MnGR2 which refers to infill and backland development. However, the proposal does not have a street frontage and is therefore not infill for the purpose of the Neighbourhood Plan. Similarly, backland development is only acceptable where access is suitable and there is compliance with the development plan.
20. The Council has a 5 year housing supply of deliverable sites. The provision of one additional dwelling would make a modest contribution to housing provision and there would be a short term economic benefit in the construction of the house. However, those benefits do not outweigh the harm that I have identified in terms of character and appearance, living conditions and highway safety.

### **Conclusion**

21. For the reasons given, the appeal is dismissed.

*Eileen Griffin*

INSPECTOR