



## Appeal Decision

Hearing held on 7 June 2005

Site visit made on 7 June 2005

by **Elizabeth Hill** BSc(Hons) BPhil MRTPI

an Inspector appointed by the First Secretary of State

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Date  
**28 JUN 2005**

**Appeal Ref: APP/W1850/A/04/1156500**

**Little Canwood, Checkley, Herefordshire, HR1 4NF**

- 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 C E Boulbee Brooks against the decision of Herefordshire Council.
- The application Ref DCSE2004/1005/F, dated 11 March 2004, was refused by notice dated 14 May 2004.
- The development proposed is a replacement two storey dwelling, with a new vehicular access (replacing an unsuitable bungalow).

**Summary of Decision: The appeal is dismissed.**

### Procedural Matters

1. The description above applies to the application as originally submitted. However, in the light of officer comments the plans were amended prior to the Council's decision. The amendments included the deletion of the new vehicular access and the continued use of the existing access to the house. Therefore that part of the description should be removed. I have based my decision on the amended plans on which the Council determined the application.
2. The decision notice makes reference to the proposal being contrary to Housing Policy 4 (e) of the Malvern Hills District Local Plan, but this should read Housing Policy 4 (c).

### Main Issue

3. I consider the main issue to be the effect of the proposed development on the character and appearance of the area, which lies in the Wye Valley Area of Outstanding Natural Beauty (AONB) and an Area of Great Landscape Value (AGLV).

### Planning Policy

4. The development plan for the area includes the Hereford and Worcester Structure Plan, published in 1993 and the Malvern Hills Local Plan, adopted in 1998. I consider the most relevant policies to be those that follow. Structure Plan Policy H.20(e) does not allow residential development in the open countryside except where it is a replacement dwelling comparable in size to an existing building with established residential use rights. Policy CTC.1 gives priority to the conservation and protection of the landscape of the AONBs and sets criteria for the exceptional circumstances in which development will be allowed. Policy CTC.2 does not allow development which would adversely affect the landscape quality of the AGLVs. Policy CTC.9 sets general development criteria including that it should respect the character and quality of the area in scale, layout and design and should retain and, where possible, enhance the existing structural framework of the landscape.

5. Local Plan Housing Policy 4(c) does not permit new housing in the countryside except where it is a replacement of, and comparable in size with, an existing building with established residential use rights. Landscape Policies 2 and 3 aim to protect the AONBs and AGLVs in the District.
6. The development plan for the area is under review and a Unitary Development Plan (UDP) is being prepared for Herefordshire. However, the relevant policies of the UDP have been the subject of objection and the Public Inquiry into objections is still in progress. Therefore the Council has made reference to the adopted development plan policies rather than those of the emerging plan which would have limited weight.

**Reasons**

7. The site lies in a rural area, some distance from any settlement. The proposed development would be for the existing timber-clad bungalow and garaging on the site to be replaced with a two storey house. The proposal is part of a number of proposed changes within the group of buildings which make up Little Canwood, including the renovation of a traditional cottage, which has planning permission for a holiday let (Document 6), and the removal of agricultural buildings and a mobile home.
8. Turning to the size of the replacement dwelling, the appellant has argued that the existing attached double garage to the bungalow should be taken into account in calculations comparing the size of the existing and proposed dwellings, since it could have been turned into living accommodation using permitted development rights. However, there has been no determination by the Council on this matter and therefore the extent of the appellant's permitted development rights are not known. In the circumstances I consider that the existing living accommodation should be compared with that proposed. The appellant confirmed that any replacement garage would be the subject of another application, since it was agreed that permitted development rights for garages would be withdrawn by the use of a suitably worded condition, if the appeal were to be allowed.
9. Since the proposed dwelling would be two storey, the footprint would be reduced and the length of the elevations, particularly the north and south elevations, would be significantly shortened. This would be a potential benefit of the scheme. However, in terms of floorspace, there would be a small increase from 192.59 sq m as shown for the footprint of the existing dwelling in Document 7, compared to 196.71 sq m for the proposal quoted in the appellant's statement, although the Council's view is that the increase is greater (to 230 sq m).
10. The height to the eaves would also be increased from about 2.8m to about 4.1m and the ridge height from 5m to a maximum of 7.5m. These figures were agreed by both main parties. The Council's view throughout the application process and at the hearing has been that a two storey dwelling would be acceptable, although emphasis was also placed on the need for the replacement dwelling to be traditional in its design. The adjacent cottage provides an example of such a traditional dwelling and this has an eaves height of about 3.8m and a ridge height of about 5.5m. Whilst I agree with the appellant that there should be a hierarchy of buildings on the site in common with other farms in the locality, like Canwood Farm, I consider that this could be achieved without the height which is proposed, particularly for the ridge of the replacement dwelling.

11. In calculating the volume of the existing dwelling compared to the proposed, there was a discrepancy between the figures produced by the appellant and those put forward by the Council. Although it was confirmed at the hearing that both sets of figures had been obtained in the same way and further measurements were made, no agreement could be reached on this matter. The further set of figures (Document 7) produced by the appellant subsequently, have meant that the proposed dwelling has been agreed between the main parties as being between 687 and 700 cu m in volume but there is no agreement on the volume of the existing dwelling. The revised figure is not dissimilar to the appellant's original calculation of the volume of the existing bungalow (699.62 cu m), although the Council estimate it to be 654.67 cu m, which would show an increase in volume for the proposal.
12. Although the floorspace and volume calculations were not agreed, in this case it is the visual effect of the dwelling in the landscape that is important. In my view the Council's demonstration at the hearing of the differences between the existing and proposed dwelling, in the form of true-scale acetate overlays, showed that the proposed building would appear as generally larger and bulkier than the existing bungalow. I consider that this effect to be mainly the result of the height of the proposed building, both in its own right and in its effect on the bulk of the proposal. Therefore it would not appear comparable in overall size to the existing bungalow, despite the appellant's attempts to comply with the Council's guidance on the matter.
13. The length of the elevations would be reduced, but the height and the bulk of the replacement building would make it more prominent within the landscape, which is especially sensitive, being in both the Wye Valley AONB and an AGLV. The new dwelling would be seen in public views from the lane, through the accesses to the proposed dwelling and the renovated cottage and through gaps in the hedge to the south and from the public footpath to the north-west. Whilst there is screening of the site from other directions, this would be less effective in winter and would not overcome the need for the conservation of the natural beauty of the landscape and countryside, which paragraph 21 of Planning Policy Statement 7: *Sustainable Development in Rural Areas* (PPS7) says should be accorded great weight in planning decisions. The proposal would allow for the replacement of a building of little architectural merit and would use traditional materials in the external surfaces of the proposed replacement but in my view these matters would not outweigh the adverse effects of the proposal, in terms of its height and bulk.
14. Therefore I conclude that the proposed development would be harmful to the character and appearance of the area, which lies in the Wye Valley AONB and an AGLV and would be contrary to Policies H.20, CTC.1, CTC.2, CTC.9 of the adopted Structure Plan, Housing Policy 4(c) and Landscape Policies 2 and 3 of the adopted Local Plan and PPS7.

#### Conclusions

15. For the reasons given above and having regard to all other matters raised, I conclude that the appeal should be dismissed.

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#### Formal Decision

16. I dismiss the appeal.

E.A.H.M.

INSPECTOR