
Appeal Decision

Site visit made on 14 September 2016

by Andy Harwood CMS MSc MRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 6 October 2016

Appeal Ref: APP/P0119/W/16/3154354

24 Footes Lane, Frampton Cotterell, South Gloucestershire BS36 2JQ

- 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 Mr Darren Bennett of D B Property Ltd against the decision of South Gloucestershire Council.
 - The application Ref PT16/0867/F, dated 23 February 2016, was refused by notice dated 4 July 2016.
 - The development proposed is the demolition of existing garages, construction of a single storey dwelling house with associated parking/works and retention of existing dwelling house.
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Decision

1. The appeal is allowed and planning permission is granted for the demolition of existing garages, construction of a single storey dwelling house with associated parking/works and retention of existing dwelling house at 24 Footes Lane, Frampton Cotterell, South Gloucestershire, BS36 2JQ in accordance with the terms of the application, Ref PT16/0867/F, dated 23 February 2016, subject to the conditions set out in the attached schedule.

Main Issues

2. The first main issue is the effect of the proposed dwelling upon the character and appearance of the area. The second is the effect of the proposal upon living conditions of the occupiers of the existing dwelling with respect to the amount and adequacy of external amenity space.

Reasons

Character and appearance

3. The appeal site is within a residential area which includes a range of dwelling styles. The area has a pleasant suburban feel but there is no particular established architectural character.
 4. At the moment the site is the large garden to the rear and side of No 24 Footes Lane. The long side boundary adjoins West Ridge which slopes up substantially from the junction with Footes Lane. This boundary is defined by a low, staggered wall with a high close boarded timber fence above, which screens the garden and which gives the street scene a stark appearance at this point. The fence turns and joins up with the side wall of the house at the back edge of that part of the front garden.
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5. The dwelling at No 24 is at the end of a terrace of 2 storey dwellings and its high, gable ended side elevation in an elevated position relative to Footes Lane faces towards West Ridge. At the rear, there is a garage with its side elevation visible from West Ridge. An access lane serving the backs of the terrace separates the site from the detached dwellings further along the road.
6. The proposal would be a narrow dwelling facing onto West Ridge, reflecting the position and shape of the site. It would be a split level dwelling, designed to follow the contours of the sloping land. The higher part of the dwelling would be the most obvious part with the lower part being set down and set off from the side boundary. There would be some scope for landscaping along the side boundary as well as elsewhere within the garden to soften the effect of the new building. I have imposed a condition requiring this, similar to that suggested by the Council. The use of reconstituted stone and render as well as brown profiled roof tile and cream render would reflect materials elsewhere within West Ridge in particular. The entrance onto West Ridge would include a gable, reflecting those on the detached properties further up the hill. The long roofslope facing towards Footes Lane, would be partially obscured by the fence.
7. The small scale of the dwelling would be proportionate to the size of the plot and the detailing would add some visual interest along this side of West Ridge replacing the starkness of the fence and side of the garage. The siting, form, scale, height, massing, detailing, colour and materials, would therefore be informed by and respect existing development nearby and would be well integrated with it.
8. In relation to the first main issue, the proposed dwelling would have an acceptable impact upon the character and appearance of the area. This would be a high standard of design and site planning complying with Policy CS1 of the South Gloucestershire Local Plan¹ and as required by the National Planning Policy Framework (the Framework).

Living conditions

9. The garden proposed for retention with the existing 3 bedroom dwelling would be 47m². The Council has referred to its emerging Local Plan² (ELP) with respect to garden sizes. This has only reached an early stage towards adoption and so I can only give it only limited weight. The garden size proposed for retention with the existing dwelling is below the guide figure of 60m², within ELP Policy PSP43 which does not however weigh heavily against the proposal.
10. The way that the proposed dwelling is designed would ensure that the retained garden with the existing dwelling is not overlooked. It would be a very private area, made more private and secluded due to the position of the new dwelling. A reasonable area across the whole rear of the dwelling would be available on the lower part of the site for sitting out, for clothes drying and other functional domestic activities in privacy and if necessary for children to play out in a secure environment. The car parking area at the higher level would encroach a little into the space but this could be fenced off. Full details of boundary treatment will need to be submitted due to the imposition of a condition similar to that suggested by the Council.
11. In relation to the second main issue, the proposal would have an acceptable

¹ South Gloucestershire Local Plan: Core Strategy 2006-2027, adopted December 2013

² South Gloucestershire Local Plan - Proposed Submission: Policies, Sites and Places Plan, June 2016

effect upon living conditions of the occupiers of the existing dwelling with respect to the amount and adequacy of external amenity space. This would comply with saved Policy H4 of the South Gloucestershire Local Plan, adopted January 2006. The layout would provide a good standard of amenity for the existing and future occupants as required by the Framework.

Other Matters

12. The subdivision of the site would result in a modest garden 55m² in area for the proposed dwelling. Privacy and seclusion from the adjoining roads would be provided by retaining a timber fence around the boundary. Landscaping within the area would help to provide an additional buffer. This would be sufficient space for the occupants of a 2 bedroom dwelling. The upper window in the side of the existing dwelling would be blocked up to prevent overlooking of the garden of the new dwelling. There would be no harmful impacts upon the occupants of other nearby dwellings.
13. The proposal would provide 3 parking spaces for the proposed and existing property. The Council has confirmed that this meets their parking standards. They also confirm that parking arrangements would remain largely as they are but with open spaces more likely to be used than the existing garage. Although concerns have been expressed about indiscriminate parking in dangerous locations nearby, there is no evidence that this proposal would lead to further problems in that respect.
14. The development has been tailored to suite the specific attributes of this site. I do not consider that this would set any sort of precedent for development on garden land elsewhere with different attributes.

Conditions

15. The Council has suggested that the hours of working on site during the construction process should be limited. Given the potential for the construction process to have impacts upon nearby occupiers, pedestrians and road users, I agree. It is not clear that these matters can be adequately dealt with through the provisions of other legislation. I have amended the suggested condition. Details of materials have been set out but I consider that given the need to fit in with the existing dwellings nearby a condition is required to secure the submission of samples for agreement by the Council. It is important to ensure that the parking arrangements are implemented before the dwelling is occupied. I have also imposed a condition specifying the relevant drawings as this provides certainty that the development will be implemented as proposed.

Conclusion

16. Overall, there are no adverse impacts that would significantly and demonstrably outweigh the modest benefit of an additional small dwelling. For the reasons given above and having regard to all other matters raised, I conclude that the appeal should be allowed.

A Harwood

INSPECTOR

Schedule of Conditions

- 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans: 'FL/P01b'; 'FLP02b'; 'FL/P03b'; 'FL/P04b'; 'FL/P05b'; and 'FL/P07b'.
- 3) Prior to the first occupation of the dwelling hereby approved, the existing first floor window in the side gable elevation of No 24 Footes Lane shall be removed, the resultant aperture permanently blocked up and rendered to match the existing wall of the dwelling as shown on the House Plans and Elevations drawing No 'FL/P01b'.
- 4) No development above foundation level shall commence until there shall have been submitted to and approved in writing by the local planning authority a scheme of landscaping. The scheme shall include a planting and maintenance schedule for a 5 year period following completion of the scheme, indications of all proposed planting, seeding, turfing, boundary treatments and hard-surfacing.
- 5) All boundary treatments and hard-surfacing shall be carried out prior to the occupation of the dwelling in accordance with the approved scheme of landscaping. All planting, seeding or turfing, comprised in the approved details of landscaping shall be carried out and maintained in accordance with the agreed planting and maintenance schedule.
- 6) Demolition and construction works (including the use of any plant or machinery, the carrying out of any maintenance/cleaning work on any plant or machinery or deliveries to the site and the movement of vehicles within the site) shall take place only between 07.30 to 18.00 hours on Mondays to Fridays and 08.00 to 13.00 hours on Saturdays and shall not take place at any time on Sundays or on Bank or Public Holidays.
- 7) No development above foundation level shall commence until samples of the materials to be used in the construction of the external surfaces of the dwelling hereby permitted have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved samples prior to the occupation of the dwelling.
- 8) Prior to the first occupation of the dwelling hereby approved, the vehicular access and car parking provision shall be implemented in accordance with the approved Site Plan Drawing No. 'FL/P02b' and retained thereafter for that purpose.