
Appeal Decision

Site visit made on 27 September 2016

by Jonathan Tudor BA (Hons), Solicitor (non-practising)

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

Decision date: 22 November 2016

Appeal Ref: APP/P0119/W/16/3151536

4 Parkside Avenue, Winterbourne, South Gloucestershire BS36 1LU

- 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 Andrew White against the decision of South Gloucestershire Council.
 - The application Ref PT16/0724/F, dated 15 February 2016, was refused by notice dated 19 April 2016.
 - The development proposed is demolition of existing single-storey garage, replacement single-storey dwelling.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. Both parties have referred me to an extensive recent planning history associated with the site and to previous applications and appeals.¹ Though, I have not been provided with full copies of the previous planning applications or appeal decisions, the parties have included some relevant extracts within the documentation submitted with this appeal. I consider that the issues identified are pertinent to the proposal before me and have taken account of them in determining this appeal.

Main Issues

3. The main issues are the effect of the proposed development on:
 - the character and appearance of the area; and,
 - the living conditions of future occupiers, with particular regard to privacy and outdoor space.

Reasons

Character and Appearance

4. Parkside Avenue is in a residential area and consists mainly of two-storey semi-detached dwellings of similar design. They are generally well-spaced apart and set back from the road with gabled or hipped roofs and bay windows. Those characteristics and the fairly uniform and generous size of the plots create a regularity and consistency of view when looking along the road.

¹ APP/P0119/W/15/3029756, APP/P0119/W/15/3030373 and APP/P0119/W/15/3138889

5. The appeal site is located between 4 and 2 Parkside Avenue and occupied by a single storey detached garage which would be demolished. No 2 is a more recent two-storey detached dwelling whilst there is a bungalow immediately opposite the appeal site at No 1A. Both of those properties are less typical of the avenue as a whole and are the last properties on either side of the road before its junction with High Street (B4058).
6. In previous applications and appeal decisions, which dealt with proposals for a two-storey dwelling on the site, concerns about scale and overdevelopment were expressed. The appellant seeks to address these issues by proposing a single storey dwelling i.e. a bungalow, which is by definition smaller than previous proposals.
7. Earlier appeal decisions note that the spacing between properties makes a significant contribution to the character and appearance of Parkside Avenue, which accords with what I saw on my site visit. Therefore, whilst I understand the rationale for a single storey proposal in the context of the planning history, the insertion of a bungalow occupying almost the entire space between Nos 4 and 2 would result in a cramped visual appearance when looking along the road.
8. Though there is already a single storey building, the garage does not occupy the full width of the site. The gable end of its shallow pitched roof faces the road with the bulk of the building stretching back behind. According to the Council, it is only about 3 metres high, a figure that has not been disputed. Whilst it has no particular merit in itself, it is not equivalent in size, scale, orientation or appearance to the proposal.
9. There would only be about one metre between the bungalow and the adjoining properties on each side. The ridge height of its roof would reach the eaves height of Nos 4 and 2. It would, therefore, more substantially occupy the space between the existing dwellings closing the gap to the detriment of the street scene. A bungalow in this particular location, wedged between two-storey properties, would also appear incongruous.
10. Whilst gaps between properties create a sense of spaciousness along the road, the break between Nos 4 and 2 performs another important function. As previously noted, No 2 is not typical of most of the properties in that part of Parkside Avenue as it is detached, has a dual pitched roof and lacks bay windows. The unusual half-hip roof of No 4 creates an even more acute dissonance between the two neighbouring dwellings. The existing space between them helps to dissipate those jarring inconsistencies. Placing a bungalow in that space would form a visual bridge between Nos 4 and 2 bringing their differences further to the fore. The proposal's attempt to reflect the roof design of No 2, albeit at a single storey level, would also serve to accentuate the contrast with No 4.
11. The proposal is intended to mirror the existing bungalow at No 1A, opposite the appeal site. The design with dual pitched gable-ended roof, central doorway and similar front elevation features is comparable with No 1A, yet there are significant differences. As 1A is the last building on its side of the road, it is not sandwiched between two others. Its conservatory and garden lie to the north west towards the corner of Parkside Avenue and High Street, so there is space beyond it. To the south east there is a gap of about 3 metres before the next dwelling. Therefore, though there are some design similarities, the

- position and setting of 1A, and the greater space either side of it, mean that it does not have the same impact on the street scene as the proposal would.
12. I note the appellant's interpretation of comments by an Inspector in a previous appeal regarding spacing between that proposed dwelling and its neighbours. However, I do not agree that the point being made was limited to the height of that two-storey proposal. The Inspector makes it clear that the issue of spacing is significant of itself but in that case was exacerbated by the two-storey height. Proposing a single storey property does not resolve the issue for the reasons explained above.
 13. The small awkwardly shaped plot presents a number of challenges. It is recognised that the size and scale of the proposal has been reduced compared with the previous applications cited. The design and layout also meets minimum standards for internal and external space. Whilst those factors are acknowledged, they do not outweigh the adverse effects that I have identified.
 14. In its decision notice, the Council gives a separate reason for refusal relating to layout and 'overdevelopment'. In the Council Officer's Report the main adverse effect identified, related to those elements, is to spacing between the properties. I have dealt with that aspect within the context of character and appearance.
 15. The above factors lead me to conclude that the proposal would significantly harm the character and appearance of the area. It follows that it would also conflict with the objectives of Policies CS1, CS16 and CS17 of the South Gloucestershire Local Plan: Core Strategy 2006-2027 (Adopted December 2013) (CS) and saved Policy H4 of the South Gloucestershire Local Plan (Adopted January 2006) (LP). Amongst other things, those policies seek to ensure that development is well designed, respects its context and does not adversely affect the character of an area, which is also consistent with similar aims in the National Planning Policy Framework (the Framework).

Living Conditions

16. The appellant advises that a particular issue with previous proposals was that part of the garden was immediately behind No 4 and subject to overlooking. In the current proposal the garden area has been modified. Notwithstanding that change, the garden boundary with No 4 runs on from the side elevation of that property and is 11 metres long. The appellant states that the garden would not be overlooked. In the absence of any compelling evidence to support that assertion, I conclude that the proximity of the garden to the rear of No 4 would still make it subject to overlooking from the first floor windows of that property.
17. At another point, the appellant relies on the Inspector's general comment in a previous appeal that some overlooking in suburban areas is inevitable. Whilst that is agreed, the majority of gardens in Parkside Avenue are significantly larger than the appeal proposal providing greater opportunity for private areas within the garden space. Consequently, the size and position of the garden would have an adverse effect on the ability of future occupiers to fully enjoy it.
18. Therefore, though improvements to the layout have been made, I share the Council's conclusion that the proposal would harm the living conditions of future occupiers with regard to privacy and outdoor space. It follows that it

would be contrary to the objectives of Policies CS1, CS16 and CS17 of the CS and saved Policy H4 of the LP, which, amongst other things, seek to ensure that development is well designed and provides adequate private outdoor space. Such aims are consistent with the Framework.

Conclusion

19. The Council accepts that it cannot currently demonstrate a five year housing land supply and that, therefore, in accord with paragraph 49 of the Framework, relevant policies for the supply of housing should not be considered up-to-date. Consequently, the test to be applied to housing applications is whether any adverse impacts of granting permission would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole.
20. Identifiable benefits would include the limited contribution made by one new dwelling to the housing supply, increased housing choice, some economic benefits during construction and through future occupiers, the removal of a garage of poor appearance and the possible suitability of the dwelling for people with special mobility needs. Overall, I consider that the substantive harms to the character and appearance of the area and to the living conditions of future occupiers significantly and demonstrably outweigh the benefits of the proposal.
21. I conclude, therefore, that for the reasons given above, and having regard to all other matters raised, the appeal should be dismissed.

Jonathan Tudor

INSPECTOR