

Appeal Decision

Site visit made on 1 November 2016

by Stephen Hawkins MA MRTPI

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

Decision date: 13th December 2016

Appeal Ref: APP/G1630/W/16/3155174

105 Tewkesbury Road, Longford, Gloucester GL2 9BJ

- 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 Marco Vaccaro against the decision of Tewkesbury Borough Council.
 - The application Ref 15/01218/FUL, dated 9 November 2015, was refused by notice dated 5 February 2016.
 - The development proposed is demolition of old workshop and erection of three properties.
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Decision

1. The appeal is dismissed.

Procedural Matter

2. The Council refer in their decision notice to policies in the emerging Joint Core Strategy (CS). However, from the information I have been provided with the CS is still at a relatively early stage in its preparation. Therefore, I can afford its policies only limited weight.

Main Issues

3. The main issues are:
 - The effect of the proposed dwellings on the character and appearance of the area.
 - The effect on the living conditions of occupiers of adjoining residential properties, having regard to outlook.
 - Whether the proposed dwellings would provide a suitable living environment for future occupiers, having regard to external amenity space.
 - Whether the proposed dwellings would be at risk from flooding.
 - Whether it has been demonstrated that that the proposed dwellings would not have a harmful effect on protected species.
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Reasons

Character and appearance

4. The existing workshop is a traditional building which has a largely nondescript appearance. It is sited with its side elevation adjacent to Tewkesbury Road. Although it is arranged over two levels, the western part of the workshop has a lower roofline and incorporates a single storey lean-to at the front. An extensive, mainly hardsurfaced area is in front of the workshop. This is overlooked by a short terrace of dwellings of mixed ages and materials sited to the west, and a converted building of traditional appearance to the north. In the wider surroundings, there is a mix of dwellings of different sizes, ages and styles. However, on the whole the dwellings occupy spacious plots and they are set well back from the road, giving the locality a pleasant and well-spaced, residential character.
5. The proposed terrace of dwellings would occupy the majority of the footprint of the workshop. Whilst the terrace would be slightly narrower than the workshop, it would nonetheless be longer and it would have a significantly higher eaves and ridge height. As a result, the proposed terrace would have a much greater overall size, height and bulk than the existing workshop. The proposed terrace would therefore appear as a larger scale and more prominent feature in the street scene in comparison with the existing structure. When taken together with siting of the proposed terrace adjacent to the road, well forward of other nearby buildings, this would result in a form of development which would be entirely at odds with its surrounding context.
6. Furthermore, the elevational appearance of the proposed dwellings would incorporate an irregular arrangement in the external openings. This would result in a lack of a sense of unity or coherence in the overall design, which would further emphasise the alien appearance of the proposed dwellings in their surroundings. Consequently, the proposal would unacceptably harm the character and appearance of the area.
7. Therefore, whilst the proposal would not result in the removal of a building of interest, it would nevertheless not be satisfactorily integrated within the framework of the settlement and it would not be sympathetically designed in harmony with the scale and character of the settlement. As a result, the proposal would not accord with saved Policy HOU2 of the adopted Tewkesbury Local Plan (LP). Furthermore, the proposal would not accord with saved LP Policy HOU5, as it would not respect the existing form and character of the adjacent area and street scene and it would not be of a high quality design, layout and materials. Additionally, the proposal would therefore be inconsistent with the guidance on requiring good design in Section 7 of the National Planning Policy Framework (the Framework).

Living conditions –adjacent occupiers

8. The nearest dwelling in the adjacent terrace has windows at ground floor and first floor level facing towards the western end of the workshop. These windows appear to serve habitable rooms. The flank wall of an intervening garage already limits the outlook from the ground floor windows in the dwelling closest to the workshop. However, at first floor level a window currently enjoys a reasonably open and unobstructed outlook towards the appeal site.

9. The western gable end of the proposed terrace of dwellings would be sited significantly closer to the nearest dwelling than the workshop. It would also be substantially higher in comparison with the part single storey end wall of the workshop and it would have a much greater overall mass. As a result, the gable end of the proposed terrace would be an unduly dominant feature in outward views from the closest first floor window of the adjoining dwelling. Even if this did not significantly reduce existing levels of light enjoyed, it would create an oppressive sense of enclosure when looking out of the window and it would therefore significantly reduce the level of outlook currently enjoyed by the occupiers. This would cause unacceptable harm to the living conditions of the occupiers of the adjoining dwelling.
10. Therefore, the proposal would not accord with saved LP Policy HOU5, as it would result in an unacceptably low degree of residential amenity for existing dwellings. Saved LP Policy HOU2 does not appear to be relevant to the consideration of the living conditions of the existing occupiers. However the proposal would not be consistent with Section 7 of the Framework in this respect, as it would not contribute positively to making places better for people. Further, the proposal would not achieve a good standard of amenity for all existing occupiers of land and buildings, thereby being inconsistent with one of the core planning principles at paragraph 17 of the Framework.

Living conditions-future occupiers

11. Whilst it is not entirely clear from the wording used on the Council's decision notice, by reference to the officer's delegated report it is apparent that the Council objected to the size of the proposed amenity spaces for the new dwellings. The amenity spaces would be just over two metres deep and they would be enclosed by brick walls. Whilst south-facing, they would provide a very limited outlook from the ground floors of the proposed dwellings. The amenity areas would also provide a very restricted space in which the future occupiers would be able to undertake activities such as drying washing, storage of domestic items or to simply relax. Due to their size, the amenity spaces could not be adequately softened by planting and overall, the spaces provided would therefore be of limited use. As a result, I find that the proposed dwellings would have an unacceptable standard of living environment for their future occupiers.
12. Therefore, the proposal would not accord with saved LP Policy HOU5, as it would result in an unacceptably low degree of residential amenity for the proposed dwellings. Saved LP Policy HOU2 does not appear to be relevant to the consideration of the living conditions of the future occupiers. However, the proposal would also not be consistent with Section 7 of the Framework in this respect, as it would not contribute positively to making places better for people. Moreover, the proposal would not achieve a good standard of amenity for all future occupiers of land and buildings, thereby being inconsistent with one of the core planning principles at paragraph 17 of the Framework.

Flood risk

13. The approach to managing flood risk set out at Section 10 of the Framework is to avoid inappropriate development in areas at risk of flooding by directing development away from areas at highest risk, but where development is necessary, making it safe without increasing flood risk elsewhere. Although the appeal site is reported by the appellant as being at a low risk of flooding, the

Council refer to it as being within Flood Zone 3 and this is confirmed by the Environment Agency; it is therefore at risk of flooding. Whilst a site-specific flood risk assessment (FRA) is therefore required, which deals with the sequential and exception tests set out at Section 10, one has not been submitted.

14. I have taken account of the floor levels of the dwellings being raised 0.6 metres above the existing ground level with power sockets fitted at a higher level. Nevertheless, the absence of an FRA means that it is not possible to determine whether the sequential test and, if required, the exception test set out in Section 10 have been satisfied and whether flood risk will be increased elsewhere. As a result, the proposal is unacceptable on flood risk grounds.
15. I have also taken account of the appellant's comments regarding larger scale residential development taking place in the village. I saw the new housing developments along Longford Lane during my visit. However, it is likely that those developments would have been subject to a site-specific FRA and/or have been included in a Strategic FRA which supported preparation of the LP.
16. Therefore, the proposal would not accord with saved LP Policy EVT5, as it has not been accompanied by an FRA which demonstrates that there are no other appropriate sites for the development in a lower risk zone, that the site will not be at unacceptable risk from flooding and that it will not increase the risk of flooding to third parties. The proposal would also therefore be inconsistent with the guidance on managing flood risk at Section 10 of the Framework.

Protected species

17. The proposal entails the demolition of the workshop. However, no survey has been carried out to establish whether there are protected species present. In my experience, there is a reasonable likelihood that protected species such as bats might be present in the workshop. Therefore, there is a risk that protected species might be adversely affected by the proposal. Consequently, in the absence of a survey it is impossible to determine the likely impact of the proposal on protected species.
18. As a result, the proposal would not accord with saved LP Policy NCN5, as it would not protect and enhance biodiversity. The proposal would also therefore be inconsistent with the guidance on biodiversity at paragraphs 109 and 118 of the Framework.

Planning balance

19. The proposal would encourage the re-use of previously developed land. Nevertheless, in order to be consistent with the objectives of sustainable development, the proposal would have to perform the three mutually dependent roles-economic, social and environmental-set out at paragraph 7 of the Framework. The proposal would fulfil the economic role and part of the social role. It would provide employment, in particular in the short term in the construction sector. It would assist in sustaining local shops and services. In social terms, the new dwellings would contribute to the supply of housing required to meet current and future needs.
20. However, the benefits of the proposal would be small-scale. The proposal would not entirely fulfil the social role, as it would not create a high quality built environment. Moreover, the proposal would fail to achieve the

environmental role, as it would not protect and enhance the built environment. The failure of the proposal to meet the social and environmental roles means that it would not amount to sustainable development as defined in the Framework.

Conclusion

21. The proposal would not accord with the Development Plan or the Framework.
22. For the reasons given above I conclude that the appeal should be dismissed.

Stephen Hawkins

INSPECTOR