
Appeal Decision

Site visit made on 10 January 2017

by Debbie Moore BSc (HONS) MCD MRTPI PGDip

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

Decision date: 19th January 2017.

Appeal Ref: APP/F1610/W/16/3160025

Nettlestead, Burford Road, Lechlade, Gloucestershire GL7 3ET

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
 - The appeal is made by Mr Jamie Orton of Stonelear Ltd against the decision of Cotswold District Council.
 - The application Ref 16/00092/OUT, dated 12 January 2016, was refused by notice dated 14 July 2016.
 - The development proposed is described as "outline application for the erection of up to 6 dwellings (appearance and landscaping to be reserved for future consideration)".
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Decision

1. The appeal is allowed and planning permission is granted for the erection of up to 6 dwellings (appearance and landscaping to be reserved for future consideration) at Nettlestead, Burford Road, Lechlade, Gloucestershire GL7 3ET in accordance with the terms of the application, Ref 16/00092/OUT, dated 12 January 2016, subject to the conditions set out in the Schedule attached to this Decision.

Procedural Matters

2. The application was submitted in outline with matters of appearance and landscaping reserved for subsequent approval. I have taken the following plans into account in my consideration of the appeal: Site Location Plan, Topographical Land Survey, Proposed Block Plan and Proposed Site Plan. I have taken to the Street Elevation to be indicative only.
3. Since the planning application was determined, the Neighbourhood Plan¹ has been made (brought into legal force). This now forms part of the statutory development plan and I have taken its policies into account in my determination of this appeal. The Council indicates that Policy D1 is the most relevant to the appeal proposal, although the Town Council refers to Policies H2, H6 and H8 which I have also considered.

Main Issues

4. The main issues are the effect of the development on: (i) the character and appearance of the area and; (ii) the living conditions of future occupiers with regard to private amenity space.

¹ Lechlade-on-Thames Neighbourhood Plan 2011-2031 (July 2016)

Reasons

Character and Appearance

5. The appeal site is currently occupied by a relatively large detached bungalow, known as Nettlestead. The site fronts onto the A361, Station Road, and the surrounding area is predominantly residential. I saw from my site visit that the existing residential development in the surrounding area varies and there is no apparent established character in terms of house type or density.
6. The outline application seeks approval for up to six dwellings that would be laid out in two terraced blocks of three, with a shared parking area at the front of the site. Access would be via a single vehicular access onto the A361, which would be located in the same position as the existing access to the bungalow. The proposed development would be sited slightly further forward than the properties either side, but a relatively wide frontage would be retained, and there is no strong building line along this part of the road.
7. To the south of the site there is a two storey building containing four flats and there is a single house to the north. These are very different types of development in terms of density. Within the wider area there are modern estates, including the very recent development to the north, which have varied densities and layouts. Consequently, the proposed density, which the Council calculates to be around 40 dwellings per hectare is not inappropriate in this location. I appreciate that there are a significant number of detached houses in this part of the town but these differ considerably in density, scale, plot size, layout and design. I do not consider, therefore, that the proposed terraced type of development would be out of character with the area.
8. Although the separation distance between the existing and proposed development would be reduced, there would still be an adequate distance which would not be dissimilar to the separation distances between other developments further south. Also, the mass and height of the proposal would be consistent with the development either side. Overall, it would reflect the rhythm and proportions of other nearby development and would not have a harmful impact on the street scene.
9. The shared parking at the front of the site would replace an existing area of domestic hardstanding. The appearance of this could be controlled by conditions to secure appropriate surface materials and boundary treatment. This would be important to ensure that the parking area would not be detrimental to the appearance of the wider area. There are several other examples of forecourt parking in the vicinity and, therefore, the proposed layout would not be out of character.
10. I note the concerns raised by several interested parties about the inability to influence the final design of the scheme. However, appearance is a reserved matter for which subsequent approval would be required. At this stage the Council would be able to ensure that the design would reflect the character of the Town as a whole and make a positive contribution to local distinctness.
11. I acknowledge that there would be a loss of trees and shrubs from the site. The appellant's Arboricultural Report² identifies that 12 trees of varying quality would be removed. I note that the Council's Tree Officer has not objected to

² Arboricultural Impact Assessment and Tree Protection Plan, 4 January 2016

the proposal and has advised that there are no trees within the site that are of public amenity value. Therefore, I conclude that the removal of the trees would not be detrimental to visual amenity. Landscaping is reserved for subsequent approval, nevertheless it is important that an appropriate level of landscaping is provided to mitigate the tree loss and soften the appearance of the development. This could be secured through the use of a planning condition.

12. Concerns have been expressed about the cumulative impact of this and other development in the town. Although every application or appeal is determined on the basis of its own site-specific merits, I agree that cumulative inappropriate development would erode local distinctiveness. However, in this case I find that the development would respect the character, appearance and setting of the settlement and would cause no significant adverse visual harm to the site or its surroundings.
13. I conclude on this issue that the development would be in accordance with Policies 18 and 42 of the Local Plan,³ and Policy D1 of the Neighbourhood Plan which seek to ensure that development respects the character, appearance and local distinctiveness of Cotswold District whilst also conforming to the principles set out in the Cotswold Design Code (March 2000). The proposal would also meet the aims of the National Planning Policy Framework (the Framework) insofar as it seeks to secure high quality design.

Living Conditions

14. The Council is concerned that the proposed plot size would not provide suitable accommodation for families. I agree that the garden sizes would be relatively small. However, there would be adequate space for a small garden shed, with sufficient garden remaining for sitting outside, hanging washing or for a small child to play.
15. Consequently, I find that the garden sizes would be commensurate to the modest size of the proposed houses. As such, I conclude that the garden sizes would not have an adverse effect on the living conditions of future occupants and that the proposal would accord with Policy 46 of the Local Plan, which seeks to secure adequate private outdoor living space. The proposal would also meet the aims of the National Planning Policy Framework insofar as it seeks to secure a good standard of amenity for all existing and future occupants of land and buildings.

Others Matters

16. The appellant's Ecological Survey⁴ concludes that the bungalow supports a known bat roost with low potential to support other roosts. Further surveys would be required to confirm the status of the roost and a mitigation strategy may be required. The Council accepts that there is scope within the site to accommodate a new roost and consequently it is of the opinion that the proposal need not be detrimental to the maintenance of the bat population.
17. The Council is concerned that there is no justification for six three-bedroom houses in this location, and that there would be no benefits, in particular, affordable housing. However, I note that Council's recent review of the 'objectively assessed housing need' indicates an increase in the housing

³ Cotswold District Local Plan 2001 – 2011 (adopted April 2006)

⁴ Inspection Survey for Bat Roost Potential, December 2015

requirement for the District. The scheme would make a small contribution to the District's housing supply and future occupants may make a positive contribution to the local community in terms of support for local businesses or community activities. There would also be a moderate economic benefit during construction.

18. In relation to affordable housing provision, following a recent Court of Appeal judgement,⁵ the policies in the Secretary of State's Written Ministerial Statement of 28 November 2014 (WMS), as to the specific circumstances where contributions for affordable housing and tariff-style planning obligations should not be sought from small scale and self-build development, must once again be treated as a material consideration in development management decisions. The Planning Practice Guidance has been amended accordingly. I have therefore given significant weight to the policies in the WMS as Government policy alongside the National Planning Policy Framework and I conclude that no affordable housing provision should be sought for the site.
19. Interested parties have requested a contribution towards community infrastructure. However, I am not provided with any justification for this requirement and I am unable to determine whether a contribution is necessary to make the development acceptable in planning terms.
20. I have considered the highways concerns expressed, in particular, whether it would be possible for vehicles to manoeuvre safely and whether the parking provision would be adequate. I have taken into account the comments of the Highways Officer and I am satisfied that safe and suitable access to the site can be achieved for all people.

Conditions

21. In addition to the standard conditions, I have specified the approved plans as this provides certainty. I have imposed conditions requiring details of the proposed junction with the A361 to be approved and to require the parking and turning area to be constructed to ensure safe and suitable access to the site. I have imposed a condition related to surface water drainage to ensure that this is adequately provided for within the development.
22. I have imposed landscaping conditions to protect the character and appearance of the area and a condition to ensure appropriate mitigation is in place as the development would disturb protected species.
23. Some of the conditions are pre-commencement conditions which are justified as the application is in outline and further details are required.
24. I have not imposed the Council's suggested condition requiring a pedestrian crossing and footway to be constructed as there is very limited evidence to demonstrate that this is necessary and reasonable.

Conclusion

25. I have given consideration to all the representations, including the comprehensive statement submitted by the Town Council. During my site visit, I looked at the other examples of existing and new development in the area and the Town as a whole to gain an understanding of the context. I have also

⁵ Secretary of State for Communities and Local Government v West Berkshire District Council and Reading Borough Council [2016] EWCA Civ 441

taken into account all the relevant policies, including the Neighbourhood Plan. I conclude that the development would not have an adverse effect on the character and appearance of the area or the living conditions of future occupants. It is important that the final design, materials and landscaping are high quality and, where appropriate, I have imposed conditions to that effect.

26. For the reasons given above, the appeal is allowed.

Debbie Moore

Inspector

Schedule of Conditions

- 1) Details of appearance and landscaping (hereinafter called "the reserved matters") shall be submitted to and approved in writing by the local planning authority before any development takes place and the development shall be carried out as approved.
- 2) Application for approval of the reserved matters shall be made to the local planning authority not later than three years from the date of this permission.
- 3) The development hereby permitted shall take place not later than two years from the date of approval of the last of the reserved matters to be approved.
- 4) The development hereby permitted shall be carried out in accordance with the following approved plans: site location plan (Drawing No 0890/DPA101 Rev 01); Proposed Block Plan (Drawing No 0890/DPA102 Rev 01); Proposed Site Plan (Drawing No 0890/DPA103 Rev 01).
- 5) Development shall not take place until details of the junction and visibility splays between the proposed access and the highway have been submitted to and approved in writing by the local planning authority; and the development shall not be occupied until that junction and visibility splays have been constructed in accordance with the approved details. The junction and visibility splays shall thereafter be retained.
- 6) No dwelling shall be occupied until space has been laid out within the site in accordance with drawing no 0890/DPA103 Rev 01, for 12 cars to be parked, and for vehicles to turn so that they may enter and leave the site in forward gear, and that space shall thereafter be kept available at all times for those purposes.
- 7) No development shall commence until details of both hard and soft landscape works have been submitted to and approved in writing by the local planning authority. These details shall include:
 - i) details of all planting areas, tree and plant species, numbers and planting sizes;
 - ii) earthworks showing existing and proposed finished levels or contours;
 - iii) means of enclosure and retaining structures;
 - iv) boundary treatments;
 - v) vehicle parking layouts;
 - vi) other vehicle and pedestrian access and circulation areas;
 - vii) hard surfacing materials;
 - viii) lighting, floodlighting and CCTV;
 - ix) an implementation programme.

The landscaping works shall be carried out in accordance with the approved details before any part of the development is first occupied in accordance with the agreed implementation programme. The completed scheme shall be managed and/or maintained in accordance with an approved scheme of management and/or maintenance.

- 8) All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of the buildings or the completion of the development, whichever is the sooner; and any trees or plants which within a period of five years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.
- 9) Development shall not commence until drainage works for surface water drainage shall have been carried out in accordance with details which shall have been submitted to and approved in writing by the local planning authority.
- 10) Development shall not commence, including any demolition works, until a detailed Bat and Bird Mitigation Scheme, in accordance with the recommendations set out at paragraphs 6.7 to 6.15 of the Inspection Survey for Bat Roost Potential (All Ecology Ltd, December 2015), has been submitted to and approved in writing by the local planning authority. Each of the measures shall be implemented prior to the development being brought into use and retained as such thereafter.