

Appeal Decision

Site visit made on 4 January 2017

by J J Evans BA Hons MA MRTPI

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

Decision date: 23 January 2017

Appeal Ref: APP/P1615/W/16/3155644

6 North Road, Broadwell, Coleford, Gloucestershire GL16 7BW

- 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 Jason Gregg of RA and D Cochrane Bros Ltd against the decision of Forest of Dean District Council.
 - The application Ref P0035/16/FUL, dated 12 January 2016, was refused by notice dated 8 March 2016.
 - The development proposed is the conversion and change of use of existing shop and flat premises to a three bedroom dwelling and construction of one new three bedroomed house and two two bedroom houses.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. The application form referred to the site address as being 6 North Road, Broadwell, Gloucestershire. On both the appellant's appeal form and the decision notice of the Council the address is described as 6 North Road, Broadwell, Coleford. As this was consistent with what I saw at my visit, I have referred to this above.
3. The drawings submitted for the appeal showed two different proposed layouts (drawings references 261014 66 var Rev A and MWA 002 – Proposed development). The main parties confirmed the proposed layout drawing for consideration at the appeal was 261014 66 var Rev A. I have determined the appeal on that basis.

Main Issue

4. The main issue is the effect of the proposed development on the living conditions of the occupiers of nearby properties and future residents having particular regard to overlooking, noise and disturbance, and external amenity space.

Reasons

5. The appeal site lies within a mostly residential area comprising a mix of ages and styles of dwellings. The vacant shop with residential accommodation above is a two storey building constructed of stone and brick. This building is positioned close to the footway, and has a single storey L-shaped outbuilding to the rear. Vehicular access into the former yard that is positioned behind the
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- shop is currently to the southern side of the site, with the northern access blocked by a storage container. Close to the northern boundary and elevated above the level of the appeal site, is the detached bungalow 8 North Road.
6. There is no disagreement between the main parties as to the principle of the re-development of the site or as regards its proposed character and appearance. The existing building would be extended and converted into two dwellings, with a further two constructed at the rear of the site. Each house would be provided with a rear garden and there would be a shared parking courtyard, the access to which would be adjacent to the northern boundary.
 7. The positioning of the access road and the bin store adjacent to the site boundary would result in frequent disturbance to the occupiers of No 8. Although the appellant considers vehicle movements would not be significant in number and would be of a low speed, nevertheless the daily repeated movements of both vehicles and people at any time of day or night so close to the boundary would frequently disturb the occupiers of No 8.
 8. Furthermore, the tandem layout of the proposed parking would increase vehicular movements, particularly as the turning space would be of a restricted size. Noise and disturbance, including from vehicle headlights and doors, engine noise and manoeuvring, would be readily apparent from both the bungalow and its garden. The appellant has pointed out that both accesses into the site are lawful. Be that as it may, at the time of my visit it was apparent that the container positioned within the northern access had been there some time, and this access was much narrower than the other one. Even if the container was removed the use of this access would have been restricted by its size.
 9. Whilst accepting that the internal layout of plots 3 and 4 would prevent harmful overlooking to No 8 and other proposed dwellings on the site, I share the concerns of the Council that there would be a detrimental impact on the privacy of the occupiers of the dwellings in Wilkes Meadow. The close proximity of particularly plot 4, combined with its elevated position and two storey nature, would give future occupiers direct views into the garden of the nearby properties as well as oblique views into the dwellings. Trees may partly restrict views, but the largest tree is deciduous and would offer limited screening for only part of the year. Nor can landscaping be relied upon to protect the living conditions of nearby residents for the lifetime of the development.
 10. The proposed houses would be capable of accommodating families, but their gardens would not meet the size requirements in the Council's Residential Design Guide (1998) (RDG). I note the RDG is of some age, but it is adopted and provides guidance with regard to living conditions. As such I have taken it into account in my decision. There are no external amenity space standards within the Forest of Dean District Council Core Strategy (2012) (CS) policies I have before me, but an objective of the National Planning Policy Framework (the Framework) is that a good standard of amenity for all existing and future occupants of land and buildings should be provided.
 11. The provision of four dwellings along with parking provision would restrict the size of the rear gardens of the proposed houses. They would be shallow, and that of Plot 1 would be bounded by a footway and parking / access space. The positioning of this garden would not afford its future occupiers with adequate

privacy, particularly as it could be overlooked by residents of No 8. The provision of a tall fence may provide some privacy, but it would give an enclosed and oppressive outlook to users of the garden due its size.

12. I accept the former occupiers of the flat above the shop would not have had a garden, but the use of this dwelling would have been linked to that of the site as a whole, and this is a very different situation than is proposed with the scheme before me. It was also apparent from my visit that there are a variety of garden sizes and shapes nearby. However, these serve a variety of dwelling types that are of a varying ages, and as such they do not form a direct comparison to the proposal before me.
13. The appellant has drawn my attention to the encouragement in the CS and the Framework to ensure an efficient use of land. However, the Framework also requires seeks a good standard of amenity for all existing and future occupants of land and buildings. CS Policy CSP.1 and CSP.4 do not make specific reference to living conditions, but as the proposal would not be the good standard of amenity for all existing and future occupants of land and buildings required by the Framework, I have to dismiss the appeal.
14. The Council have referred to policies in an emerging development plan, the Allocations Plan (2016). However, the plan has not yet been adopted, and as such this limits the weight I can afford them.

Other Matters

15. I have also considered the proposal in the context of the presumption in favour of sustainable development, as set out in the Framework. In paragraph 7 it is made clear that sustainable development has economic, environmental and social dimensions, none of which should be undertaken in isolation. Whilst the scheme would redevelop a site and have a social benefit in providing additional dwellings within a sustainable location, there would be a significant adverse impact with regard to the living conditions of future occupiers and existing residents. Consequently, taken as a whole the proposal would not be the sustainable development required by the Framework.
16. Local residents have raised concerns with regards to drainage matters, that future occupiers would increase demand on local services, and that the proposed access and parking provision would be inadequate. In the absence of any technical substantiation to support the concerns of the residents, and noting the lack of objection from the highway authority, I have no evidence before me that there would be an unacceptable impact on these matters within the area. As such these matters would not outweigh the harm I have found.

Conclusion

17. For the reasons given above and having considered all other matters raised, the appeal is dismissed.

J J Evans

INSPECTOR