

Appeal Decision

Site visit made on 24 January 2017

by JP Sargent BA(Hons) MA MRTPI

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

Decision date: 16 February 2017

Appeal Ref: APP/C1625/W/16/3157778

Pool House, Bath Road, Woodchester, Stroud GL5 5NS

- 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 Thorley of Fromebridge Construction against the decision of Stroud District Council.
 - The application Ref 16/0991/FUL, dated 4 May 2016, was refused by notice dated 16 June 2016
 - The development proposed is a new car port and shed.
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Decision

1. The appeal is allowed and planning permission is granted for a new car port and shed at Pool House, Bath Road, Woodchester, Stroud GL5 5NS in accordance with the terms of the application, Ref 16/0991/FUL, dated 4 May 2016, subject to the following 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 approved Drawing No 2 Rev F.
 - 3) The external surfaces of the development hereby permitted shall be constructed in the materials shown on Drawing No 2 Rev F.

Procedural matters

2. A neighbour said he had not been notified at application stage, and indeed, in line with the address on the application form, the proposal had been advertised as being at Treetops. However, the works are in fact to be at a property called Pool House and Treetops is the neighbouring dwelling to the north. Consequently all neighbours have been re-notified and given opportunity to comment and so they have not experienced any prejudice as a result. As accepted by the parties I shall refer to the appeal property as Pool House.
3. An application for costs was made by the Appellant against the Council, and that is the subject of a separate decision.

Main Issues

4. The main issues in this case are
 - a) the effect of the development on the character and appearance of the locality, whether it would preserve the character and appearance of the Industrial Heritage Conservation Area and whether it would conserve the
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landscape and scenic beauty of the Cotswold Area of Outstanding Natural Beauty (AONB); and

- b) its impact on the living conditions at Pool House.

Reasons

Character and appearance

5. Pool House is a new dwelling that sits in a triangular plot with its main garden to the side. Its rear boundary is defined by a 3.5m high buttressed brick wall and in the limited gap between the dwelling's rear elevation and this wall is a patio and an open parking place.
6. The site is within the Industrial Heritage Conservation Area, the significance of which appears to lie, in part, in the way in which it contains a variety of commercial and residential buildings running along the valley that reflect the industrial evolution of the settlement. It also lies in the AONB. The Council has not identified harm to either of these designations in the reason for refusal. However, mindful of the requirements in national policy and legislation I have to assess the effect of the development on both.
7. The car port would stand between the dwelling and the tall brick wall and cover the existing parking place. To my mind this area now makes little contribution to any perception of space around Pool House due to its concealed location and the wall adjacent. I consider that the car port here would not be prominent when looking from the road as it would be substantially tucked away behind the house, and from where it could be seen it would be in an area already dominated by the wall and the dwelling. Moreover, its open-sided construction and its materials would mean it would not appear visually dominant, despite being set at a higher ground level than Pool House, but would constitute a subservient element in relation to that property.
8. The Council said this structure would be at odds with the surroundings, which in its opinion are characterised by detached properties with space around. To my mind though that is not an accurate characterisation of the locality. Rather, there is a diverse arrangement of commercial and residential properties, and while some undoubtedly are detached and stand on large plots, elsewhere are properties on smaller plots or terraced houses. Given this the car port and the associated change in the developed proportion of the grounds would not be incongruous in this context, and would not detract unacceptably from the character or appearance of the locality or the conservation area.
9. Turning to the shed, that would be by the road frontage at the southern apex of the triangular plot. It would be a small structure that would be entirely expected in a garden, and so it would not appear as a discordant feature in the streetscape or on the property itself. Consequently that element of the proposal would not be at odds with the locality or the conservation area either.
10. Finally, the scale and design of the shed and car port, their siting within a settlement and the location of the latter behind a house mean they would not fail to conserve the landscape and scenic beauty of the AONB.
11. In assessing this issue I appreciate that 'permitted development rights' were withdrawn when Pool House was granted permission. It does not follow though

that all outbuildings are therefore unacceptable. Rather, removing such rights just gives the opportunity for any outbuilding to be considered on its merits.

12. Accordingly I conclude the proposal would preserve the character and appearance of the Industrial Heritage Conservation Area, it would conserve the landscape and scenic beauty of the AONB and it would not be out-of-keeping with the character and appearance of the locality. Therefore it would not be contrary to Policies HC1 and HC8 in the *Stroud District Local Plan*, which among other things broadly require housing development to be compatible with the character of the surroundings and not be cramped. Moreover, it also not conflict with guidance in the *National Planning Policy Framework* (the Framework).

Living conditions of residents at Pool House

13. The Framework identifies as a core planning principle the need to seek a good standard of amenity for all existing residents and future occupiers.
14. The shed would be a small structure that would be reasonable to find in a garden. Therefore the reduction in garden area that would result from its presence would not be unacceptable.
15. The car port would not be on amenity space as such, but rather would be over the existing parking provision, while the open nature of the structure and the existing impact of the wall would mean it would not overwhelm the property's rear patio. Therefore to my mind it would not cause any diminution of the outside space available at Pool House for recreation purposes.
16. Accordingly I conclude the development would not adversely affect the living conditions of residents at Pool House by reducing outdoor amenity space unacceptably and so in this regard it would not conflict with the Framework.

Other matters

17. Whether Mr Thorley lives at Pool House, or whether a 1m strip should be retained to the boundary are matters that do not affect the planning merits of the case.

Conditions

18. I consider that the development should be in accordance with the approved plans for the avoidance of doubt, while the materials should also accord with the submitted details. While the Council has suggested they should match the existing, as the shed and car port are predominantly timber structures that would be inappropriate.

Conclusions

19. For the reasons stated above the appeal should be allowed.

J P Sargent

INSPECTOR