
Appeal Decision

Site visit made on 25 January 2017

by John Felgate BA(Hons) MA MRTPI

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

Decision date: 17 February 2017

Appeal Ref: APP/P0119/W/16/3161985

Land at 30 Clyde Road, Frampton Cotterell, Bristol BS36 2EE

- 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 Scott Cameron against the decision of South Gloucestershire Council.
 - The application Ref PT16/4044/F, dated 1 July 2016, was refused by notice dated 10 October 2016.
 - The development proposed is "construction of a two bed dwelling with access, parking, screening, landscaping and associated works".
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are:
 - whether the proposed development would provide for adequate outdoor amenity space to serve the existing dwelling at 30 Clyde Road;
 - whether the development would provide acceptable living conditions for occupiers of the new dwelling, with regard to overlooking and privacy;
 - and the effects on highway safety.

Reasons for decision

Outdoor amenity space

3. The proposed new dwelling would be sited behind No 30 Clyde Road, taking up the majority of its current back garden. The amenity space that would be left to the existing property would comprise two spaces. One of these would be a small side area adjacent to the building. The other would be a detached space to the rear.
4. The first of these two areas, as I saw on my visit, would be capable of forming a small paved courtyard, adjacent to the property's main living room, where glazed bi-fold patio doors have been installed. As such, it would function as an outdoor extension of the dwelling, which could be used for sitting out and as an outdoor play area for young children. But the size of this space as currently envisaged would be just over 19 sq m, which would limit its use for any other purposes. Also, being surrounded by buildings, and sunken below the level of the adjacent driveway, it would get very little sun, which would limit the times of year when it would be likely to be fully useable. At the time of my visit, the courtyard had a high fence across its one open side, and assuming this is to be

retained, although the fence does provide a good level of privacy, the result is somewhat oppressive. In any event, this future courtyard area, on its own, falls well short of what could be regarded as an adequate amenity space for the existing dwelling.

5. The second area would be a small, detached parcel of land, positioned directly in front of the proposed new dwelling, within the part of the site otherwise given over to parking and turning for vehicles. In this position, the proposed garden would be effectively isolated from the existing dwelling, and would be dominated by the new dwelling and the parking area. If left largely open on those two sides except for a dwarf wall, as shown on the submitted plan, its users would be exposed to view on three sides. Fencing could be provided, but if this were to be 1.8m high, as normally required for privacy, the effect on such a small space would be oppressive; and in any event the positioning of No 30's intended parking space would still leave the garden partially open to the shared driveway. Consequently, whichever of these options was preferred, the proposed detached garden would offer little or no amenity value for its users.
6. I accept that there is already a degree of separation between No.30 and its existing garden, due to the right-of-way to No.32. I also acknowledge that such an arrangement is not uncommon, for example in terraced housing, and that this does not in itself make the present proposal unacceptable. But the layout now proposed would increase the severance, by inserting a parking space between the house and the garden. It would also leave the new garden closer to the proposed new dwelling than to the existing one that it is intended to serve. There is no evidence that a better integrated solution could not be achieved.
7. With regard to its size, the detached garden is said to amount to 23 sq m. However, from the submitted plans, the space available appears to be about the same as the courtyard, which is said to be about 19 sq m. But in any event, the garden at most would be no larger than two parking spaces. Taking both the detached garden and the courtyard together, on the basis of the appellant's measurements, the total area would be just over 42 sq m. This seems to me an inadequate amount for a 2-bedroom house, and the deficiency in terms of size is not compensated for by any other redeeming qualities. Although there may be other properties in the area which have fairly small gardens, I am not aware of any which are so poorly related to the dwelling, or so lacking in amenity value.
8. It is argued that the proposal would be not far short of meeting the Council's emerging draft Policy PSP43¹, which allows for a minimum private amenity space of 50 sq m. But even so, the proposal does fall short of that minimum standard. And in any event, saved Policy H4 of the adopted Local Plan² requires that development within an existing residential curtilage should not prejudice the retention of adequate private amenity space. For the reasons that I have set out, the present proposal conflicts with this requirement.
9. I conclude therefore that the proposed development would fail to retain adequate amenity space for the existing dwelling at No 30 Clyde Road. The garden areas provided, and particularly the detached area, would be too small, too isolated, and too lacking in amenity value to serve any realistic function, or

¹ In the 'Policies, Sites and Places' DPD, submission draft June 2016, currently undergoing public examination

² The South Gloucestershire Local Plan, adopted January 2006

to meet the likely needs of likely future occupiers. In these respects the development would be contrary to saved Policy H4. For the same reasons, the scheme would also fail to secure high quality design and site planning, as sought by Policy CS1 of the Core Strategy³, or to provide an acceptable standard of amenity for future occupants, conflicting with paragraph 17 of the National Planning Policy Framework (the NPPF).

Overlooking and privacy

10. The kitchen window of the proposed new dwelling would be overlooked at fairly close range from the rear bedroom of No 30. The room would therefore have little privacy. It is not uncommon for a kitchen to be one of the most intensively used rooms in a house, especially in recent years as food preparation has become more of a family activity. A reasonable standard of privacy is therefore important.
11. In addition, the new dwelling's main bedroom would be overlooked at even closer range, from the first floor window of No 26 Clyde Road. Despite the offset angle and orientation of the respective buildings, overlooking from such a short distance would cause a serious intrusion. Indeed even the perception of potentially being overlooked at such close range would cause a significant loss of amenity.
12. The use of blinds or external screening to combat the overlooking would be likely to have further adverse effects, in terms of outlook and light, and thus would not be likely to provide a satisfactory solution.
13. Consequently, the proposed dwelling would fail to provide adequate living conditions for future occupiers. As such it would again fail to achieve reasonable standards of design and layout, conflicting with Core Strategy Policy CS1 and NPPF paragraph 17.

Highway safety

14. Where the short cul-de-sac serving the appeal site meets the main carriageway of Clyde Road, the junction is sub-standard in terms of visibility, especially to the east. Also, in the narrow section between Nos 28 and 30 Clyde Road, vehicles cannot pass and there is the possibility that one might have to reverse out.
15. However, Clyde Road is not heavily trafficked, and although the same cul-de-sac section already serves about half a dozen other properties, there is no evidence of any significant accident record. The new dwelling now proposed would generate some additional traffic movements, and thus would slightly increase the existing risks. But the number of such movements to and from a single new dwelling would be small. I also note that, whatever its other shortcomings, the proposed layout would provide sufficient parking and would allow vehicles to turn within the site.
16. On balance therefore, comparing the proposed development with the present situation, it seems to me that the increased risks resulting from the scheme would be fairly low. As such, the development would not conflict with the relevant provisions relating to highway safety in Local Plan Policies H4 or T12. In this context I note that the Council also cites Core Strategy Policies CS1 and CS8, but neither of these seems to me to be directly relevant.

³ The South Gloucestershire Core Strategy, adopted December 2013

17. I have had regard to the 2011 appeal decision relating to another proposed dwelling nearby⁴, which was dismissed on grounds of highway safety. But that decision came before the publication of the NPPF, which requires, in paragraph 32, that permission should only be refused on transport grounds where the impact would be severe.
18. In the present case, for the reasons explained, the effects of the proposal on highway safety would not be such as to justify refusal. However, this does not overcome the other harmful impacts that I have identified.

Other matters

19. There is no dispute that the appeal site is previously developed land, and is located within a built-up area, conveniently located for a good range of local facilities. I also agree that, in its present layout, with one 2-bedroom dwelling located in the very corner, it is under-used. NPPF paragraph 17 encourages developments that make more effective use of such sites.
20. It is also not disputed that currently there is not a 5-year supply of land for housing in the District. The proposed development would provide an addition to the housing stock, and would therefore help to make good the shortfall, albeit in a modest way. The NPPF's presumption in favour of sustainable development therefore applies.
21. In the light of the land supply situation, policies relevant to the supply of housing cannot be considered up-to-date. However, Policies H4 and CS1 are primarily aimed at securing good design and protecting living conditions, both of which are also amongst the NPPF's core principles, alongside boosting the supply of housing. Consequently, in so far as they have a bearing on this appeal, I consider that Policies H4 and CS1 should carry substantial weight.
22. I note the comments of a local resident, including those regarding the effects on other neighbouring properties. However, those effects would not be so significant as to influence my decision.

Conclusion

23. The proposed scheme would help in a small way to meet the local housing shortfall. But it would do so in a way that would require the occupiers of both the new and existing dwellings to tolerate seriously compromised living conditions. The stock of dwellings with good living conditions would thus be diminished rather than increased. As a result, the development would not achieve acceptable standards of design and layout, contrary to the development plan and national policies. Overall therefore, the harm would significantly and demonstrably outweigh the benefits, and accordingly the scheme does not accord with the NPPF's concept of sustainable development.
24. I appreciate that the site presents considerable challenges, but I am not persuaded that the scheme now proposed is the only way of bringing it into more efficient use. Having considered all the matters raised, I conclude that the appeal should be dismissed.

John Felgate

INSPECTOR

⁴ APP/P0119/A/11/2148330: 24 Clyde Road, Frampton Cotterell