
Appeal Decision

Site visit made on 20 February 2017

by Elizabeth Hill BSc(Hons), BPhil, MRTPI

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

Decision date: 10 March 2017

Appeal Ref: APP/G1630/W/16/3160905

Treglos, Fleet Road, Twyning, Tewkesbury, Glos, GL20 6DG

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a grant of planning permission subject to conditions.
 - The appeal is made by Miss Janet Houlan against the decision of Tewkesbury Borough Council.
 - The application Ref 16/00520/FUL, dated 10 May 2016, was approved on 27 July 2016 and planning permission was granted subject to conditions.
 - The development permitted is the "installation at the front of the property of a slimline 1000L bunded oil storage tank at ground level supported on a concrete base. This will be a replacement for a single skin steel oil tank located at the rear of the property".
 - The condition in dispute is No 3 which states that: Prior to the provision of the Oil Tank hereby permitted the fencing shall be erected in accordance with the revised block plan and screening details received by the Local Planning Authority on 26 July 2016 and shall be maintained as such thereafter.
 - The reason given for the condition is: To ensure that the external appearance of the proposed development will be in keeping with the character of the area and the adjoining buildings in the interests of visual amenity in accordance with the NPPF.
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Decision

1. The appeal is allowed and the planning permission Ref 16/00520/FUL for the "installation at the front of the property of a slimline 1000L bunded oil storage tank at ground level supported on a concrete base. This will be a replacement for a single skin steel oil tank located at the rear of the property" at Treglos, Fleet Road, Twyning, Tewkesbury, Glos, GL20 6DG granted on 27 July 2016 by Tewkesbury Borough Council, is varied by deleting condition 3 and substituting for it the following condition:

Within three months of the installation of oil tank hereby permitted fencing shall be erected in accordance with the revised block plan and screening details received by the Local Planning Authority on 26 July 2016 and shall be maintained as such for the lifetime of the development.

Main Issue

2. The main issue in this case is: whether the disputed condition is necessary and reasonable having regard to the impact on the character and appearance of the area.

Reasons

3. Fleet Road leads down through the village of Twyning to the River Avon and is bordered by properties of differing designs and ages. The oil tank would be

installed to the front of the modern property, with the narrow side of the tank facing on to Fleet Road. The house is at a higher level than the road and the front garden, which is mainly open lawn, slopes down to the road.

4. The tank is a utilitarian structure which would be prominent in views from opposite the site and in uphill views by users of the road, including visitors returning from the River Avon and the adjacent public house. This would have an adverse effect on the character and appearance of the area, which is characterised mainly by domestic gardens to the front of houses. Although it is not in a Special Landscape Zone and would not be seen by the neighbours on either side, it would be seen from the road by local residents and visitors to the area. Paragraph 58 of the National Planning Policy Framework (NPPF) requires development to add to the overall quality of the area and to be visually attractive, which would not be the case without the proposal being screened.
5. The appellant says that the tank would be screened by parked cars and refuse bins. However, parked cars provide only a temporary screen which would not exist when the cars were being used away from the house and the bins stored near to the site are also removable and might not be in place for the lifetime of the development. A permanent screen would be needed to ensure that the proposal would not have an adverse effect on the character and appearance of the area.
6. The appellant has pointed out that there are other houses with oil/ LPG tanks in their front gardens in the local area. I agree that some of these tanks are not totally screened by planting. However, some of those quoted by the appellant, for example, Chestnut Lodge, are screened for almost their full height with only the top of the tank showing over fencing and vegetation. Some of the other tanks shown in the photographs submitted by the appellant are older and I am not aware of the full circumstances of their installation. Another photograph relates to a non-domestic situation, the school, which is not comparable to the proposal.
7. I understand the point made by the appellant that erecting the fence to the front of site for the tank beforehand might make the laying of the concrete base and installation of the tank more difficult. Therefore, having regard to paragraph 206 of the NPPF, I consider that, whilst a condition is necessary to ensure that the proposal is screened, it is not reasonable to require it to be screened before the installation of the tank. The Council's suggested condition would overcome this issue by allowing time for the fence to be erected following the installation of the tank.

Conclusions and condition

8. Therefore I conclude that the disputed condition is necessary, having regard to the impact on the character and appearance of the area and Government policy in the NPPF, but the timescale for implementation is not reasonable. As such, I intend to delete the existing condition 3 and replace it with the Council's suggested condition, with some minor changes of wording to improve clarity.

E A Hill

INSPECTOR