
Appeal Decision

Site visit made on 14 March 2017

by Stephen Roscoe BEng MSc CEng MICE

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

Decision date: 31 March 2017

Appeal Ref: APP/P0119/W/16/3164959

45 Oakleigh Gardens, Oldland Common, Bristol BS30 6RJ

- 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 Ludwell Properties against the decision of South Gloucestershire Council.
 - The application Ref PK16/4383/F, dated 21 July 2016, was refused by notice dated 16 September 2016.
 - The development proposed is the erection of one detached dwelling with access and associated works.
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Decision

1. The appeal is dismissed.

Reasons

2. The Council accepts that it does not have a five year housing land supply, and that, in accordance with the NPPF, relevant policies for the supply of housing are not up to date. The policies referred to in the Council's refusal reasons in this case do not however relate to the supply of housing, and are therefore up to date in relation to this decision.
3. The main issues in this case are:
 - i) the effect of the proposal on the character and appearance of the surrounding area; and
 - ii) whether the proposal would have an adverse impact on highway safety.

Character and Appearance

4. Whilst the appeal site address refers to Oakleigh Gardens, the site is situated at its junction with Cherry Green Lane with which the site has an important visual relationship. Dwellings to either side of the appeal site along Cherry Green Lane have sizeable front gardens and a front building line that is well set back from the highway. This gives the immediate area an open character.
5. The proposal would introduce a two storey detached dwelling forward of this building line within the side garden area of the host dwelling at 45 Oakleigh Gardens. This would interrupt the building line on Cherry Green Lane, and the proposed dwelling would be visible for some length along Cherry Green Lane. It would have a particularly awkward visual relationship with 12 Cherry Green

Lane, where the proposed dwelling and rear garden would be well set forward of, and at right angles to, the front elevation of No 12. The proposal would therefore not respect the street scene or building line as required by Local Plan¹ (LP) Policy H4 and emerging LP² (eLP) Policy PSP38, to which I give moderate weight. It would also conflict with Core Strategy³ (CS) Policies CS1 and CS16 together with eLP Policy PSP1, to which I also give moderate weight, in that it would not respect the character of the site or its context. Furthermore, the proposal would represent the inappropriate development of a residential garden in conflict with the aims of NPPF paragraph 53.

6. I recognise that the surrounding dwellings exhibit a range of styles and that the proposed dwelling would incorporate some of these features. Moreover, other dwellings include parking areas forward of their front building lines, as would be the case with the appeal proposal. These factors do not however reduce the harm that I have found.
7. I therefore conclude that the proposal would have a harmful effect on the character and appearance of the surrounding area. I further conclude that it would thus conflict with LP Policy H4 and CS Policies CS1 and CS16 together with eLP Policies PSP38 and PSP1.

Highway Safety

8. Cherry Green Lane and Oakleigh Gardens are suburban housing estate roads and, at the mid-day time of my site visit, they carried little traffic. A school is situated nearby, but I consider that any traffic effects at the start and end of the school day would be of limited duration. Cherry Green Lane only carries one-way traffic adjacent to the appeal site. This arrangement is complemented by a hatched area of the carriageway to discourage vehicle use directly outside of the application site, and this is of benefit to pedestrian and drivers in terms of visibility.
9. The proposed two off-highway parking spaces would exit onto this hatched area. Whilst vehicles would have to either reverse on or off these parking spaces in close proximity to the junction, I am of the opinion that the presence of this hatched area, together with the nature of the two roads, would avoid any unacceptable impact on highway safety. In view of all of the above points, I consider that the proposal would provide safe access for pedestrians and motorised traffic in accordance with LP Policy T12 and CS Policy CS1.
10. I therefore conclude that the proposal would not have an unacceptable effect on highway safety and that it would thus accord with LP Policy T12 and CS Policy CS1.

Other Matters

11. I acknowledge that the proposed dwelling has been designed to avoid any unacceptable impact on nearby residential amenity. I also recognise that the general locality is a sustainable location for new housing, as set out in CS Policy CS4A, particularly in the absence of a five year housing land supply.

¹ South Gloucestershire Local Plan 2006

² South Gloucestershire Local Plan: Proposed Submission: Policies, Sites and Places Plan: June 2016

³ South Gloucestershire Local Plan: Core Strategy: December 2013

Conclusion

12. I have found that the proposal would have a harmful effect on the character and appearance of the surrounding area. Whilst it would not have an unacceptable effect on highway safety, this would not be sufficient to outweigh the harm that I have identified. Furthermore, the other matters identified do not cause me to change my opinion on the unacceptability of the harm identified. In view of all of the above points, and having taken into account all other matters raised, I conclude that the appeal should be dismissed.

Stephen Roscoe

INSPECTOR