

Appeal Decision

Site visit made on 21 March 2017

by David Walker MA MRTPI

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

Decision date: 21st April 2017

Appeal Ref: APP/P1615/W/16/3165944

Land off St John's Square, Cinderford GL14 3EY

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
 - The appeal is made by Suzanne Freeman against the decision of Forest of Dean District Council.
 - The application Ref P0664/16/OUT, dated 16 May 2016, was refused by notice dated 19 July 2016.
 - The development proposed is erection of a single dwelling with associated amenity space and parking.
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Decision

1. The appeal is allowed and planning permission is granted for erection of a single dwelling with associated amenity space and parking at Land off St John's Square, Cinderford GL14 3EY in accordance with the terms of the application, Ref P0664/16/OUT, dated 16 May 2016, and the location plan submitted with it, subject to the conditions in the attached schedule.

Preliminary Matter

2. The application to the Council was made in outline with all matters reserved. I have determined the appeal in the same manner, treating the submitted house design as being indicative only of a potential scheme.

Main Issue

3. The main issue in the appeal is the effect of the proposal on the character and appearance of the area.

Reasons

4. The appeal site is an overgrown area of land that was being used for car parking at the time of my site inspection. Although located to the rear of No 75 Church Road the land is owned in association with No 77. However, it is physically separated from No 77, linked only by a narrow passageway, and does not appear to be used as a garden.
 5. St John's Square is a narrow lane at this position providing access to the rear of properties at Church Road and with a small number of dwellings along its short length. It accordingly has the character of a residential street rather than a rear service lane. Along the lane and in the surrounding area generally, houses from differing periods are arranged in a piecemeal fashion. There is no clearly defined pattern of development and a range of densities is evident with
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some buildings positioned closely together and others in spacious plots. Recent permissions would introduce further dwellings into the undeveloped gaps of the area.

6. A small dwelling would be consistent with the character of the area. With gaps maintained on all sides between existing properties it would not appear cramped. Although there are fewer dwellings along the east side of lane a new dwelling would not appear out of place in a context with houses located at both ends of the lane and immediately opposite. With all matters reserved for future consideration the detailed design would remain for negotiation with the Council to ensure a suitable appearance and prevent any harmful overlooking of neighbours.
7. My attention has been brought to the reference housing density contained within Policy CSP.5 of the Forest of Dean Core Strategy 2012 (the CS). However, a generic density would not be appropriate at the appeal site and in the context of the mixed grain of development I have identified. At this location some flexibility is justified.
8. The existing access would be utilised by the proposal and there is no evidence to indicate that vehicle movements would increase to a significant extent over that which is currently possible. A survey drawing indicates boundary trees and shrubs falling within the site. The loss of these is of concern to an interested party but there can be no assurances they would be retained in the event the development was not permitted. I am also mindful that there would be potential for some disruption during construction, however, this would be short lived and significant impacts would be controlled under other legislation.
9. I conclude that a new dwelling would have a satisfactory effect on the character and appearance of the area, subject to the submission of suitable reserved matters. The proposal would therefore accord with Policies CSP.1 and CSP.4 of the CS and their requirements for development to take account of the wider context and reinforce the existing settlement pattern, as well as the design objectives set out at paragraphs 7 and 17 and section 7 of the National Planning Policy Framework. Policy AP.5 of the emerging Forest of Dean Allocations Plan also referred to by the Council remains to be found sound and attracts limited weight.
10. Conditions identifying the reserved matters and the period for implementation are necessary in the interests of certainty. It is also necessary that the reserved matters submissions include details of existing and proposed site and floor levels, external materials, parking, and surface and foul drainage, to ensure the full consideration of these matters. To safeguard the visual and biodiversity interests of the area it is necessary that landscaping details extend to include the means of enclosure, materials to be used in hard surfacing, and habitats enhancements.

Conclusion

11. For the reasons given above I conclude that the appeal should be allowed.

David Walker

INSPECTOR

Schedule of Conditions

- 1) Details of the access, appearance, landscaping, layout, and scale, (hereinafter called "the reserved matters") shall be submitted to and approved in writing by the local planning authority before any development takes place and the development shall be carried out as approved.
- 2) Application for approval of the reserved matters shall be made to the local planning authority not later than 3 years from the date of this permission.
- 3) The development hereby permitted shall take place not later than 2 years from the date of approval of the last of the reserved matters to be approved.
- 4) The details to be submitted under Condition No 1 shall include existing and proposed site and floor levels and sections through the site.
- 5) The details submitted under Condition No 1 shall include full details and samples of all external materials for the development of the dwelling hereby permitted. Thereafter the approved details shall be fully implemented and be maintained as approved.
- 6) The details submitted under Condition No 1 shall include full surface and foul water drainage proposals, including connection to any existing facility and the disposal of surface water from the driveway and parking/turning areas within the confines of the site, and thereafter the approved details shall be fully implemented prior to the dwelling being occupied.
- 7) The development for which permission is hereby granted shall not be commenced until the landscaping scheme submitted under condition No 1 (and incorporating existing flora) and including the means of enclosure and the materials to be used for hard surfacing has been approved by the Local Planning Authority. Such a scheme shall be carried out in all respects in accordance with the approved scheme not later than the first planting season following the erection of the dwelling hereby permitted and thereafter maintained. If at any time during the subsequent five years any tree, shrub or hedge forming part of the scheme shall for any reason die, be removed or felled it shall be replaced with another tree or shrub of the same species during the next planting season to the satisfaction of the Local Planning Authority.
- 8) The details submitted under Condition No 1 shall include provision for properly consolidated and surfaced car parking and manoeuvring facilities (including provision for the disabled). Such facilities shall be provided prior to the dwelling served by them being occupied and shall be kept permanently available for such use with the car parking spaces retained for parking only and the manoeuvring facilities for manoeuvring.
- 9) Prior to construction a scheme for biodiversity enhancement, such as incorporation of permanent roost/nest features for bats and birds, shall be agreed in writing with the Local Planning Authority. The scheme shall be implemented prior to the occupation of the dwelling, and thereafter retained and maintained for its designed purpose in accordance with the approved scheme.