
Appeal Decision

Site visit made on 28 April 2017

by Stephen Roscoe BEng MSc CEng MICE

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

Decision date: 11th May 2017

Appeal Ref: APP/P1615/W/17/3167847

5 Parkend Road, Bream, Lydney, Gloucestershire

- 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 Robin Jones against the decision of Forest of Dean District Council.
 - The application Ref P0898/16/FUL, dated 27 June 2016, was refused by notice dated 23 August 2016.
 - The development proposed is the erection of a single residential dwelling with associated access, turning and parking.
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Decision

1. The appeal is dismissed.

Main Issues

2. I consider the main issues in this case to be:
 - i) the effect of the proposal on the character and appearance of the surrounding area;
 - ii) whether the proposal would have a harmful effect on the living conditions of adjoining occupiers;
 - iii) whether the proposal would have an unacceptable effect on highway safety; and
 - iv) the effect of the proposal on housing land supply.

Reasons

Character and Appearance

3. The appeal site is situated within a Locally Distinctive Area and in close proximity to an Important Open Area, both designated by the Council. The proposed two storey dwelling would be situated in the rear garden of a residential property. This rear garden is situated in close proximity to an area of trees which separates the nearby Important Open Area from residential development on Parkend Road, of which the appeal site forms a part. The area of trees softens this edge of the Important Open Area. The rear garden which forms part of the appeal site is an element of the separation between the Important Open Area and the residential development, as it provides a

- transition between the built up area and the area of trees. This transitional garden area is repeated to either side of the appeal site.
4. The proposed dwelling would disrupt this separation and transition. It would be prominent in views from the Important Open Area and further to the east. From the Important Open Area, the proposed dwelling would appear to be somewhat underneath the tree canopy, unlike the existing development which is obviously set back from the trees.
 5. The proposed dwelling would also be visible between the houses along Parkend Road. It would create an additional depth of development which would be uncharacteristic of this part of Parkend Road and its distinctive development grain. The proposal therefore would not preserve the important characteristics of the environment as required by Core Strategy¹ (CS) Policy CSP.1 or protect amenity land in accordance with CS Policy CSP.9. The proposal also would not protect a valued landscape in conflict with the National Planning Policy Framework (NPPF).
 6. The Council accepts that it does not have a five year housing land supply and that relevant policies for the supply of housing should thus not be considered to be up to date. In this case, the elements of CS Policies CSP.1 and CSP.9 which I have identified relate to the landscape and amenity value of areas which the Council has designated. In view of their compatibility with the NPPF in terms of valued landscapes, I give these elements of the policies significant weight. This is notwithstanding any relationship that other elements of the policies may have with the supply of housing.
 7. Development, similar in layout and scale to that proposed, exists to the rear of No 11 Parkend Road. This location is however visually associated with the residential development at Bowson Square. Moreover, the tree area behind No 11 does not provide the level of separation between the Important Open Area and the residential development along Parkend Road that is the case at the appeal site. Furthermore, the development to the rear of No 11 is at a lower level than the appeal site and is much less prominent within the surrounding area than would be the case in respect of the appeal proposal. Similar development is proposed to the rear of No 12 Parkend Road, and similar circumstances to those at No 11 would apply in comparison with the appeal site. In view of all of the above points, I do not consider that the circumstances at Nos 11 and 12 Parkend Road add weight in support of the appeal.
 8. The rear gardens along Parkend Road to either side of the appeal site contain various outbuildings. These are however of a smaller scale than the proposed dwelling, and they thus do not affect my opinion on the harm that would be caused by the proposal. There is also no evidence of any objection to the proposal from the Council's landscape officer. Whilst this may be the case, it does not affect the Council's position on character and appearance or the harm that I have found. The Council's refusal reason refers to Allocation Plan² Policy AP5. This policy however refers to the use of materials, and I do not consider this, or the policy, to be relevant to my consideration of this case.

¹ Forest of Dean District Council: Core Strategy: 2012

² Forest of Dean District Council: Allocation Plan Submission Draft: August 2015

9. I therefore conclude that the proposal would have a harmful effect on the character and appearance of the surrounding area and that it would thus conflict with CS Policies CSP.1 and CSP.9 and the NPPF in this regard. This is a matter to which I give very significant weight.

Living Conditions

10. The proposal would include an access driveway that would be situated between the existing dwellings at Nos 4 and 5 Parkend Road. There are however limited windows and doors on the elevations that would face this driveway, and the ground floor level of the dwelling at No 4 would be higher than the levels of the driveway. Furthermore, the future use of the driveway to serve a single dwelling would be unlikely to be intensive, and the use of an existing driveway at this location in connection with the existing dwelling could increase in any event. The proposal would also provide parking and turning to the front and rear of the existing dwelling, and this would limit the use of the proposed driveway between the existing dwellings. I am therefore satisfied that the proposal would not result in any unacceptable environmental impact, noise or other pollution as sought by CS Policies CSP.1 and CSP.4, the Council's Residential Design Guide³ and the NPPF.
11. I therefore conclude that the proposal would not have a harmful effect on the living conditions of adjoining occupiers. I further conclude that it would thus not conflict with CS Policies CSP.1 and CSP.4, the Council's Residential Design Guide or the NPPF in this regard.

Highway Safety

12. The proposed driveway would utilise the existing residential access onto the highway at No 5 Parkend Road. Visibility to the north along Parkend Road would cross the frontage of No 5 which forms part of the appeal site. Parkend Road, which has a speed limit of 30mph, is a residential street with good forward visibility and a carriageway width of greater than 5.5m. All of these are factors which the Highway Authority's Standing Advice⁴ suggests can lead to a reduction in the advised visibility parameters for residential accesses. Moreover, the visibility approaches the distance advised in the Highway Authority's Standing Advice and the future use of the proposed access could occur with the existing access in any event. I am therefore satisfied that adequate visibility could be maintained and that a safe and suitable access could be achieved for all people without any severe impact on transport grounds as sought in the NPPF.
13. To the south of the access, a boundary hedge with the property at No 4 limits visibility. From this direction however, vehicles on Parkend Road would approach the access on the opposite side of the carriageway, thus giving vehicles emerging from the appeal site the opportunity to do so gradually. The proposal also includes turning areas for the existing and proposed dwellings to avoid a need for vehicles reversing onto the carriageway. On this basis, I am again satisfied that satisfactory visibility could be maintained and that adequate infrastructure would be provided in accordance with CS Policy CSP.1.

³ Forest of Dean Residential Design Guide: 1998

⁴ Gloucestershire County Council: Standing Advice for Proposed or Existing Residential Development: 2013

14. I therefore conclude that the proposal would not have an unacceptable effect on highway safety and that it would thus not conflict with CS Policy CSP.1 or the NPPF in this regard.

Housing Land Supply

15. The proposed dwelling would help to address the housing shortfall in the Council's area. The NPPF seeks to give a significant boost to housing supply, particularly in areas where a five year housing land supply cannot be demonstrated. I therefore conclude that the proposal would have a beneficial effect on housing land supply as sought by the NPPF, and this is a matter to which I attach significant weight.

Other Matters

16. It has been suggested that the proposal would allow the existing occupier on the appeal site to remain in residence and that the appellant has changed his circumstances on the basis that the appeal proposal would be a straightforward planning application in terms of consistency with others in the area. I have not however found this proposal to be consistent with other permissions in the area, I do not consider that such personal circumstances add any weight in favour of allowing the appeal.

Conclusion

17. For the reasons set out above, I consider that the harm to the character and appearance of the surrounding area would significantly and demonstrably outweigh the housing land supply benefits of the proposal when assessed against the policies of the NPPF taken as a whole. Having taken into account all other matters raised, none carry sufficient weight to alter the decision, and my conclusion has regard to the evidence before me in terms of all the development plan policies that are relevant to the issues raised in this case. I therefore conclude that the appeal should be dismissed.

Stephen Roscoe

INSPECTOR