

Appeal Decision

Site visit made on 2 May 2017

by K Taylor BSc (Hons) PGDip MRTPI

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

Decision date: 7 June 2017

Appeal Ref: APP/P1615/W/16/3164891
Firlea, Pettycroft, Ruardean GL17 9XH

- 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 John Turner against the decision of Forest of Dean District Council.
 - The application Ref P1027/16/FUL, dated 22 July 2016, was refused by notice dated 22 September 2016.
 - The development proposed is the erection of a detached dwelling and detached garage, with associated parking and turning area and amenity space.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are the effect of the development on the character and appearance of the area, and the living conditions of the occupiers of neighbouring properties with particular regard to noise and disturbance from vehicles and overlooking.

Reasons

Character and appearance

3. Pettycroft is characterised by linear plots, of varying widths, set perpendicular to the road. Many of these contain a single dwelling, although a small number are vacant. The majority of the dwellings are set close to the road but sit within long plots. This arrangement, including the length of the plots, is visible through gaps within the street scene, from a nearby public footpath, and from within the houses and gardens. This has resulted in a distinctive character to the local area.
 4. Planning permission has been granted for a single dwelling to the front of the appeal site, referred to as Plot 1. At the time of my site visit it was under construction. Together the appeal site and Plot 1 form a linear plot next to Firlea and this is flanked on either side by other similar plots.
 5. The appeal dwelling would be set towards the back of the plot, thereby creating tandem development, and it would be apparent not just from glimpses from the road but also from the rear elevations and gardens of adjacent houses and the public footpath. To my mind when seen from these viewpoints the development would be appreciably at odds with the pattern of development on
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this side of the road, and so would constitute an incongruous element that detracted unacceptably from the character and appearance of the area.

6. There is a single residential property, on the opposite side of the road to the appeal site, which is set at the rear of the plot. This is the only dwelling in that plot and it has not resulted in a tandem form of development and therefore does not have the same impact as the appeal scheme would. The design, form and massing of the appeal dwelling would be similar to Plot 1 and both would have sizable garden areas, however this would not mitigate the harmful effect of the development.
7. Firlea is orientated with its gable towards the road; however it is located close to the front of the plot, and broadly in line with other properties on this side of the street. The atypical orientation of Firlea would not minimise the harmful effect of the development. There are a number of out buildings located towards the rear of several plots, however these are not typically of the scale of the proposed dwelling, nor do they have an effect of creating tandem housing development. Therefore, their presence does not persuade me that the proposal is acceptable.
8. I conclude that the development would therefore result in significant harm to the character and appearance of the area. It conflicts with Policy CSP. 1 of the Core Strategy, adopted February 2012, (the CS) which seeks to ensure that new development conserves the important characteristics of the environment. This policy is consistent with the National Planning Policy Framework (the Framework). There is conflict with Policy CSP. 16 in so far as that policy requires development in villages to comply with Core Policies in the CS, which include CSP. 1.
9. The Council also cite conflict with Policy AP 6 of the Allocations Plan Submission Draft. This Plan is still under examination, however the examination is at an advanced stage and no main modifications are proposed to Policy AP 6. I therefore give significant weight to this policy. I note that it is intended to support Policy CSP. 1 and has similar aims. Pettycroft is one of the Locally Distinctive Areas identified in emerging Policy AP 6. The key and important features listed within the Policy may not be universally shared across the entirety of Pettycroft. However the linear nature of the plots is a significant feature with the appeal site forming part of one of those plots. For the above reasons, the development would have a harmful effect on the character of the area, and thus there is conflict with the overarching aims of this emerging policy.

Living conditions

10. The neighbouring Firlea is orientated so that one of the primary elevations, containing a number of windows, has an outlook towards the access to the appeal site, which would also be shared with Plot 1. The parking and turning area for Plot 1 is located to its rear and the parking area for the appeal scheme would be located adjacent to this. Some noise and disturbance could be experienced by the occupiers of Firlea arising from vehicle movements associated with Plot 1.
11. The appeal scheme would increase this, however, even in combination and if there were multiple car owners in each property, the number of vehicle movements would still be very low. Therefore noise and disturbance, including

from headlights, would not be unreasonably detrimental to the living conditions of the occupiers of Firlea. Similarly, the future occupiers of Plot 1 would not be adversely affected by vehicle movements associated with the appeal scheme.

12. The location of the proposed house, and its two storey height, mean that there would be overlooking towards the rear garden of Firlea. This neighbouring property has a long rear garden and only the bottom portion of the garden would be affected by overlooking to a significant degree. The garden area closer to the dwelling, including the patio area, would not be substantially affected given the distance from the appeal dwelling. The characteristics of the area are such that rear garden areas are not generally overlooked to a significant degree. However as a large portion of the neighbouring garden would not be adversely affected I am satisfied that adequate living conditions for the neighbouring occupiers would be maintained.
13. Some loss of privacy for the occupants of Firlea would occur from pedestrians utilising the access, however this situation will arise from Plot 1. The increase in use of the access for the appeal scheme would be minimal and any associated overlooking would not be to the extent that it would have a materially harmful effect. Due to the low numbers of pedestrians that would access the appeal site there would also not be a harmful effect from overlooking for the future occupiers of Plot 1. Although the dwelling would be located to the rear of another property, the access would be adequate, such that no substantive issues would arise in servicing the property.
14. For these reasons, I conclude that the effect on the living conditions of the occupiers of neighbouring properties would not be significant. Consequently, in this respect, the proposal complies with the objectives of the Framework, which seeks to promote quality design and provide a good standard of living conditions for occupants of land and buildings. There is also no conflict with Policy CSP. 1 of the CS, in this regard, which requires account to be taken of the important characteristics of the environment, which I consider reasonably includes the living conditions of residents.

Other matters

15. The parties agree that the site is in a location where, as a matter of principle, the provision of new housing accords with the development plan. The appellant has stated that the Council is unable to demonstrate a five-year supply of deliverable housing sites and the Council has not disputed this. However, neither party has submitted any substantive evidence on the matter or stated how large they consider the shortfall to be.
16. If I were to assume the Council could not demonstrate a five year supply of deliverable housing sites, paragraph 14 of the Framework indicates that permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework taken as a whole. I have found conflict with Policies CSP. 1 and CSP. 16 which accord with the Framework's requirement that local distinctiveness should be reinforced.
17. The proposal would have social and economic benefits of addressing the current undersupply of housing, and is in a location that accords with the spatial strategy in the CS. However these benefits would be limited given the proposal would only result in a single additional dwelling. On the other hand

the development would result in significant harm to the character and appearance of the area; therefore the environmental dimension of sustainable development would not be achieved.

Conclusion

18. The adverse effects of the development are sufficient to mean that the proposal would conflict with the development plan and the Framework when each is taken as a whole. This harm would significantly and demonstrably outweigh any benefits. Although I have found no harm in respect of the effect of the development on the living conditions of the occupiers of neighbouring dwellings, this is a neutral factor and does not weigh in favour of the development.
19. For the reasons given above, the appeal should be dismissed.

K Taylor

INSPECTOR