
Appeal Decision

Site visit made on 22 May 2017

by Alexander Walker MPlan MRTPI

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

Decision date: 15th June 2017

Appeal Ref: APP/C1625/W/17/3170195
63 Shutehay Drive, Cam GL11 5UU

- 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 Elliot Dessi against the decision of Stroud District Council.
 - The application Ref S.16/2556/FUL, dated 10 November 2016, was refused by notice dated 11 January 2017.
 - The development proposed is the erection of a two bedroom dwellinghouse.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are the effect of the dwelling on the character and appearance of the area; the effect on the living conditions of the occupants of neighbouring residential properties, with regard to the amount of light and outlook; and, the effect on highway safety.

Reasons

Character and Appearance

3. Shutehay Drive is a residential street that comprises a mix of detached, semi-detached and terraced two-storey and single-storey dwellings. There is a common architectural theme throughout the street.
4. The appeal site is located at the end of the Drive and currently forms the side and rear garden of No 63 Shutehay Drive, which is a semi-detached, two-storey dwelling. No 63 is one of a number of properties at the end of the Drive that forms an enclave of dwellings that are of a similar design. These properties are generally set back from the street and have a staggered building line set behind individual drives and communal parking areas. Whilst some properties are set back further than others, their frontages nevertheless have a presence within the streetscene.
5. The proposed dwelling would be attached to the eastern elevation of No 63 and would be set back from the existing forward building line of the existing pair of semi-detached properties. I acknowledge that there are a number of other small rows of terraces in the enclave that have a similar staggered frontage. However, as a result of its set-back position the dwelling would be largely screened from public views off the road by No 63. The lack of presence the dwelling would have within the streetscene would result in it failing to reflect

the pattern of development in the area as neighbouring properties are all clearly visible and make a positive contribution towards the streetscene. Whilst I appreciate the position of the dwelling has been informed by the constraints of the site, it would nevertheless appear awkward and contrived and introduce an incongruous addition to the area.

6. I note that No 65 has a side extension. However, this is clearly read as an extension and not a separate dwelling. Furthermore, this extension is clearly read within the streetscene. Therefore, I cannot draw any direct comparison with the proposal, which would be a separate dwelling.
7. I find therefore that the dwelling would significantly harm the character and appearance of the area, contrary to Policy H1 of the Stroud District Local Plan (SDLP) 2015, which, amongst other matters, seeks to ensure that the proposed housing is of a scale, density, layout and design that is compatible with the character and appearance of the area.

Living Conditions

8. The rear elevation of No 63 has a number of windows at ground and first floor which serve habitable rooms. The appellant states that they would erect a single-storey extension on the rear of No 63, which would have a rear elevation in line with that of the proposed dwelling and therefore there would not be any loss of light or outlook from the ground floor window.
9. Notwithstanding the above, there is no mechanism before me to ensure that the single-storey extension would be constructed. The proposed dwelling would project approximately 2.8m beyond the existing rear elevation of No 63. As a result, its side elevation would be in proximity of the existing ground and first floor windows in No 63, and therefore reduce the outlook from these windows and the amount of light serving them. However, even without the erection of the single-storey extension, I am satisfied that this loss would not be to such an extent that it would result in unacceptable harm to the usability of the rooms that these windows serve or significantly harm the living conditions of its occupants. The effect would also be reduced by the southerly orientation of the windows.
10. I have also had regard to the effect of the development on the occupants of No 61 Shutehay Drive. Whilst the dwelling would possibly reduce the amount of sunlight reaching the rear garden of No 61, this would likely only be during the evenings. Throughout the remainder of the day the garden would be adequately served by direct sunlight. Therefore I do not consider that the dwelling would have a significantly harmful effect on the usability of the rear garden area of No 61. With regard to privacy, the front first floor window in the dwelling would have direct views into the landing window of No 61. However, as the landing is not a habitable room and its occupants would not be spending any length of time on the landing, I do not consider that the dwelling would cause any significantly harmful loss of privacy through overlooking.
11. I find therefore that the dwelling would not significantly harm the living conditions of the occupants of neighbouring residential properties and as such would comply with Policies ES3 and CP14 of the SDLP, which seek to protect residential amenity.

Highway Safety

12. Nos 61 and 63 Shutehay Drive have a shared access off the road. The proposed dwelling would also share this access and two parking spaces would be provided for it. A single parking space would be created for No 63, resulting in the loss of a parking space serving this property.
13. Policy EI12 of the SDLP refers to the Council's adopted parking standards as set out in Appendix 2 of the SDLP. The standards state that dwellings should provide an average of 1.5 parking spaces. The appellant argues that Policy EI12 relates to major schemes only. Paragraph 5.65 of the supporting text to Policy EI12 states that *'The policy refers to major development proposals or those that are likely to have a significant impact on the local transport network'*. However, I do not consider that this means that the policy *only* relates to major development proposals or those that are likely to have a significant impact on the local transport network. The wording of the policy makes reference to *major development proposals* and paragraph 5.65 clarifies what this means. Accordingly, I find that Policy EI12 and Appendix 2 are applicable to the proposal.
14. The parking standards state that the 1.5 parking spaces per dwelling is an average. The appellant argues that as the proposal would provide a total of 3 spaces it averages out as 1.5 spaces per dwelling. However, I do not agree with this interpretation. Using an average of 1.5 spaces per dwelling is only possible when considering shared parking provision. In this instance it is not proposed that the parking spaces would be shared.
15. Nevertheless, there are a significant amount of communal parking spaces in this part of the Drive and therefore it is likely that an additional car could be accommodated off-site without detriment to highway safety.
16. Due to the configuration of the parking spaces, there would not be suitable provision for turning spaces. As a result, cars would have to reverse into/out of the site. Given that the site is located at the end of the road it is unlikely that any cars travelling along this stretch of it would be moving at speed. In addition, road users would clearly see cars entering/exiting the site, giving them sufficient time to manoeuvre to avoid any conflict.
17. I find therefore that the proposal would not result in any significant harm to highway safety. As such, it would generally comply with Policy EI12 and ES3 of the SDLP, which seek to ensure that development does not have a detrimental impact on highway safety.

Other Matters

18. I appreciate the concerns raised regarding disruption and inconvenience during the construction of the dwelling. However, such effects would only be temporary and if I was minded to allow the appeal an appropriately worded condition could restrict the hours of construction works. I have also considered the effects of increased vehicle fumes and flooding. However, there is no substantive evidence before me that such effects would be significantly harmful.

Conclusion

19. I have found that the proposed dwelling would not significantly harm the living conditions of the occupants of neighbouring residential properties or have severe harm to highway safety. However, this does not outweigh the harm the proposal would have on the character and appearance of the area.
20. For the reasons given above, having regard to all matters raised, the appeal is dismissed.

Alexander Walker

INSPECTOR