
Appeal Decision

Site visit made on 30 October 2017

by Richard S Jones BA (Hons) BTP MRTPI

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

Decision date: 15 November 2017

Appeal Ref: APP/C1625/W/17/3177725

Land at 48 Lansdown, Stroud GL5 1BN

- 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 Mark Plumley against the decision of Stroud District Council.
 - The application Ref S.17/0173/FUL, dated 16 January 2017, was refused by notice dated 7 April 2017.
 - The development proposed is the demolition of Hall and construction of three storey block of flats comprising of nine two bedroom flats. Provision of ten car parking spaces and associated landscaping.
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Decision

1. The appeal is dismissed.

Preliminary matters

2. I have used the description of the development as set out in the appeal form as this reflects the changes to the scheme during the determination of the application.

Main Issues

3. The main issues are:
 - the effect on the living conditions of the occupiers of adjacent properties on Lansdown, with particular reference to outlook;
 - the effect on the character and appearance of the area; and
 - whether the proposed development provides adequate parking provision.

Reasons

Living conditions

4. The appeal site is irregular shaped and is linked to both Lansdown to the north and Brickrow to the south. The topography of the site is such that there is a significant change in levels between these two points. The existing building on the site is relatively modest both in its scale and footprint, thereby minimising its effects on the living conditions of the occupiers of the properties in Lansdown.
5. I acknowledge that the formation level of the site would be reduced by 1.5m and that the scale of the proposal has been reduced following pre-application advice. Nevertheless, the ground floor levels of the properties adjoining the

site in Lansdown would be approximately 6m below that of the ground floor level of the appeal scheme and the difference between the respective ridge heights would be up to about the same. The proposed building would also be significantly greater in scale and massing than the existing building and would occupy nearly the full width of this part of the appeal site.

6. I accept that the overall height of the building would be similar to those surrounding the site, however the appeal building would occupy a more sensitive location between two main building lines and therefore closer to the properties on Lansdown. The result, in this location, would be a much more imposing and dominant form of development, which would have a significant overbearing impact when viewed from the internal and external living spaces of the properties on Lansdown, particularly Nos 46 to 51. As Nos 46, 47 and 48 Lansdown do not presently have the physical form of the existing building directly behind their properties, the resulting impact on those occupants would be much greater.
7. I'm not convinced that the harm would be acceptably mitigated by the proposed landscaping scheme, which in any case would take time to fully establish. The building would also remain visible between the trees and given their proximity to the north facing elevation of the proposed flats, it is likely that there would be pressure from future occupants to seek their removal.
8. Whilst it is stated that only the top part of the building would be visible, given the proximity and substantial changes in height, any meaningful level of boundary planting, although softer, would also be overbearing. Even if it amounts to permitted development this is demonstrated by the existing 2m hoarding which has been erected on the main northern boundary of the site. The combined form of the boundary treatment and the proposed building would result in considerable harm to the outlook from the rear of the properties on Lansdown. Without a meaningful boundary treatment at this point, the proposal would also allow for considerable overlooking and loss of privacy, particularly in the rear garden areas of the properties in Lansdown.
9. Given the close proximity and increase in scale and the evidence provided by interested parties, I am also concerned about the potential impact on the outlook from the closest properties on Brickrow. Unfortunately I was unable to view the site from the rear of any of these properties, so as to come to a firm conclusion on this matter. Nevertheless, the harm I have found to the occupiers of the properties in Lansdown is sufficient on its own to warrant withholding planning permission.
10. I acknowledge that the layout and design of the scheme may have been informed by the Council's residential design guide. However, the minimum 25m separation between facing elevations containing clear glazing relates to the protection of privacy, rather than outlook and doesn't take into account the substantial changes in levels that are applicable in this case. Moreover, the separation distances are taken from the main face of the proposed building to the main rear building line of the properties in Lansdown. Consequently, any south facing habitable room windows in any of the rear extensions to these properties may not therefore fall within an acceptable separation distance.
11. I therefore conclude on this main issue that the proposal would result in unacceptable harm to the living conditions of the occupiers in Lansdown, contrary to Stroud District Local Plan (LP) Policy ES3, which states, amongst

other things, that permission will not be granted to any development which would be likely to result in an unacceptable overbearing effect.

Character and appearance

12. The proposed building would occupy the main central section of the site and would appear as two storeys in scale from the south and three storeys in scale from the north.
13. As explained above, I accept that the proposal would be similar in height to the terrace dwellings which front onto Lansdown. However, the main part of the appeal site occupies a sensitive backland type setting between the frontage development of Lansdown and Brickrow. The appeal proposal would therefore apply primary frontage scale and massing to a secondary position where it would appear unduly large and imposing. The footprint of the building would also restrict any meaningful landscaping to only the northern part of the site, thereby significantly reducing the opportunity to soften the impact either side of the building and in and around its access to the south.
14. The site is situated outside of but close to the boundary of the Stroud Town Centre Conservation Area to the west. The character of the neighbouring part of the Conservation Area is mainly defined by its large detached stone buildings. This includes the grade II* listed Church of St Lawrence with its impressive stone spire, which is the focal point of this part of the Conservation Area. The Council also identify three other grade II listed buildings within 50m of the site, all of which are located within the Conservation Area. These are the Vicarage, the School of Science and Art and the County Library.
15. Paragraph 132 of the National Planning Policy Framework (the Framework) makes clear that great weight should be given to the conservation of designated heritage assets, and to their setting. However, given the siting of the proposed development, set back from the two main rows of development fronting Lansdown and Brickrow, and the mature trees in and around the site, the proposal would have no material influence on the character and appearance of the setting of these heritage assets and as such would preserve the same.
16. I also find, taken in isolation, that the appearance of the development and the palate of materials would in the main be respectful to the surrounding built form. The evidence provided by the appellant also shows a comparable density to a number of properties in the area. However, in the position proposed, the scale and layout would result in unacceptable harm to the character and appearance of the area, contrary to LP Policies HC1, CP4, CP8 and ES12, Policy AP9a of the Stroud Town Centre Neighbourhood Development Plan (NDP) and Section 7 of the Framework. These state, amongst other matters, that all new development should be designed such that the location and scale of buildings respect the setting of the site and the character of the area.

Car parking

17. LP Core Policy CP13 states that schemes shall provide appropriate vehicular parking, having regard to car ownership and the Council's adopted standards. For residential development the standards are 1.5 spaces per dwelling (average).
18. The proposal is for ten car parking spaces to serve nine, two bedroom flats. However, evidence provided by the appellant is that car ownership in the Ward

is lower than that for the district as a whole. Moreover, paragraph 5.67 of the LP explains that the Council will consider housing developments without on-site parking provision in Stroud town centre. In this regard, as highlighted by the Highway Authority (which does not raise objection to the proposal, subject to conditions), the appeal site benefits from a sustainable location within walking distance of a number key services and facilities, including good public transport links.

19. I acknowledge that no visitor parking would be provided but the site is also located very close to a public car park. Whilst the Council state that the level of proposed parking would exert additional pressure on parking demands for the town centre during peak times, I have no evidence to demonstrate that this car park is at or nearing capacity during those times and that the shortfall against the average standards in a sustainable location such as this, would be critical in this regard.
20. Therefore, based on the evidence before me, I am satisfied that the development would provide adequate parking provision and it has not been demonstrated that it would exert undue pressure on parking demands in the town centre during peak times. Accordingly, I do not find conflict with LP Core Policy CP13 or Statement NP1 or NPT of the NDP, which, amongst other matters and in addition to the above, seek to ensure that there is sufficient quality public parking close to the town centre to support the economy.

Other matters

21. I acknowledge that the site benefits from a sustainable location in the centre of Stroud and would make efficient use of previously developed land, in accordance with the settlement hierarchy of LP Core Policy CP3. It would also add to the range and stock of residential development within the plan area in accordance with NDP Policy AP4. However, the main part of the site occupies a sensitive location, on a hillside between two main rows of frontage development. The appeal scheme does not satisfactorily reconcile these factors in terms of its effects on the character and appearance of the area and the living conditions of neighbouring occupants. Therefore in overall terms, the proposal would not meet the social and environmental objectives of sustainable development, having regard to the advice at paragraphs 7 of the Framework. Not being sustainable development, it follows that no such presumption, as anticipated by paragraph 14 of the Framework and LP Core Policy CP1, applies.
22. I note that the appellant would be prepared to have a hipped roof on the east and west elevations but I make no comment on this as to do so would usurp the local decision making process.
23. The Council's report highlights that the development is eligible for a Rodborough Common Special Area of Conservation contribution charged at £200 a dwelling and that this could be secured by way of a unilateral undertaking if the Council were minded to approve the development. No such agreement has been submitted in support of the appeal. The appellant suggests that following discussions, the Council would be suggesting a condition requiring the submission and approval of a scheme to reflect this requirement. No such condition has been provided. Moreover, I have limited information on this issue and therefore cannot be certain that any mitigation or contribution to be agreed at a later date would address any harmful effects, if

any, on this protected site. However this matter does not need to be considered further in view of my conclusions on the main issues.

Conclusion

24. For the reasons explained, and taking all other matters into consideration, I conclude that the appeal should be dismissed.

Richard S Jones

INSPECTOR