



Appeal Decision

Site visit made on 4 December 2017

by Gareth W Thomas BSc(Hons) MSc(Dist) PGDip MRTPI

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

Decision date: 15th December 2017

Appeal Ref: APP/P1615/W/17/3181321

Land at New Road, Bream, Lydney GL15 6HJ

- 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 Ernest Heal & Sons Construction Ltd against the decision of Forest of Dean District Council.
 - The application Ref P0434/17/FUL, dated 17 March 2017, was refused by notice dated 19 May 2017.
 - The development proposed is for the erection of three detached dwellings and associated residential garages, formation of vehicular accesses and provision of parking facilities.
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Decision

1. The appeal is allowed and planning permission is granted for the erection of three detached dwellings and associated residential garages, formation of vehicular accesses and provision of parking facilities on land at New Road, Bream, Lydney GL15 6HJ in accordance with the terms of the application, Ref P0434/17/FUL, dated 17 March 2017, subject to the following conditions:
 - 1) The development hereby permitted shall begin no later than 3 years from the date of this decision.
 - 2) The development hereby permitted shall be carried out in accordance with the following approved plans: PG/01; 16/006/S/01; 14/051/PG/02; PG/04; PG/05; PG/06; PG/07; PG/08; PG/09; PG/10; PG/11; and MG0867_S1.
 - 3) No development shall commence until proposals for a full surface water drainage scheme with sufficient details incorporating where appropriate the principle of Sustainable Drainage Systems (SUDS) within the development have been submitted to and approved in writing by the local planning authority. The details shall include a management plan setting out the maintenance of the drainage asset. Prior to the occupation of the approved dwellings the approved drainage shall be carried out in accordance with the approved details and permanently maintained as such thereafter.
 - 4) The vehicular accesses hereby permitted shall not be brought into use until the visibility splays shown on drawing number PG/02 received on 17th March 2017 extending from a point 2.4m back along the centre of the accesses measured from the public highway carriageway edge (x-distance) to a point on the nearer carriageway edge of the public highway

54m in either direction has been provided. The visibility splays shall thereafter be kept clear of obstructions and similarly maintained.

- 5) The dwellings hereby permitted shall not be occupied until the parking spaces, turning facilities, garages and access shown on the approved drawings have been constructed, laid out and provided ready for use. The land so provided shall not thereafter be used for any purpose other than for the parking, turning and garaging of vehicles and cycles.
- 6) Details of all boundary treatments and means of enclosure to the development shall be submitted to and approved in writing by the local planning authority prior to works above ground level commencing on the site.
- 7) Site clearance and construction shall be carried out in accordance with the Forest of Dean District Council's Precautionary method of working for common reptiles 16th May 2012.

Procedural matters

2. The Council, in its decision notice, refers to policy AP.4 of the Forest of Dean District Council Allocations Plan¹ (the Allocations Plan). This Plan has not yet been adopted but is at an advanced stage in its examination. That policy appears broadly consistent with the principles of the National Planning Policy Framework (the Framework) and so I have given it moderate weight in my consideration of this appeal, having regard to paragraph 216 of the Framework.

Main Issues

3. The main issues in this appeal are the effects of the proposed development firstly, on the character and appearance of the area and secondly, on the living conditions of occupiers of The Forge bungalow in terms of outlook.

Reasons

Character and appearance

4. The appeal site is situated within the settlement boundary as defined by the Core Strategy² and a Locally Distinctive Area (LDA) as defined by the Allocations Plan where the principle of housing development would be acceptable provided it would integrate with the surrounding area. Unlike Important Open Areas, which are predominantly landscape designations and open in character, LDAs are essentially local built heritage designations and are largely about matters relating to the intrinsic character of the built environment.
5. The appeal site comprises a small field currently used for horse grazing. It is bounded on three sides by existing housing development, including two storey development and the Forge bungalow. It has the characteristics of an area of enclosed private grazing rather than land that could reasonably be described as amenity land of wider benefit to the public.
6. In that sense, I do not consider that Policy CSP.9 of the Core Strategy applies in this instance, particularly in the way portrayed in paragraph 6.56 of the

¹ Forest of Dean District Council: Allocations Plan Submission Draft (August 2015)

² Forest of Dean Core Strategy (2012)

supporting text to that policy, which explains that such amenity land are predominantly forest fringe landscapes having cultural, historic, visual and functional importance. No reference to this policy was made in either the original officer report to the Planning Committee or in the minutes of that committee. My attention was drawn to two recent appeal decisions, the later appeal involving another site in the village³ where the Inspector considered that Policy CSP.9 should apply. However whilst the details of that scheme are not before me, it is clear that the appeal site comprised a transitional area of land that adjoined the forest fringe and open-countryside rather than a site bound by housing development on three sides. In this regard, I do not believe that a reasonable comparison can be made between the appeal cases.

7. Although there are traditional cottages in the wider area of the appeal site, the character of the built environment in the immediate vicinity consists of an eclectic mix of modern and traditional with little uniformity or consistency of architectural styles. Nevertheless, the layout of existing dwellings in the neighbourhood takes the form of linear development that front the highways of New Road and The Tufts.
8. The proposal would see the erection of three houses of traditional form and character occupying relatively substantial plots with an emphasis given to the relationship of buildings to the street as well as retaining views across and through the site. Two of the dwellings are designed as one and a half storeys, but all three include characterful features such as traditional gable dormers, chimneys and enclosed front porches. Garages would incorporate pitched roofs. Traditional materials including natural slate roofs, natural local stone and rendered facing walls would be used in the construction of all the buildings. In terms of layout, the three dwellings would be positioned close to the respective highways to complement the existing built form character of the area. The fact that plot 2 would have its gable end fronting the highway is not vital; the issue relates to the proximity of the proposed buildings to the street.
9. It is noted that the officer recommendation in favour of granting permission was not supported by members of the Planning Committee; strangely in the context of an essentially design-led policy however, the appellant was invited to submit amendments in the form of a reduced scheme for two single storey dwellings. Whilst members are fully entitled to not slavishly follow the advice of its officers, it is difficult to imagine how two bungalows would complement the established character of the LDA as required by the Allocations Plan. That said, I consider that the proposed development, including plot 2 would have an acceptable interface with the village street, comprise low density development that would complement the established character. The levels and ridge heights moreover would be similar to the two storey dwellings that exist in the area.
10. Consequently, I conclude that the proposed development would comply with Policies CSP.1 of the Core Strategy and Policies AP4 and AP6 of the Allocations Plan. These policies combine to require that new developments preserve the character and distinctiveness of the Locally Distinctive Area, particularly in terms of high quality design that makes a positive contribution in terms of supporting a strong sense of place, being visually attractive and contributing to environmental enhancement. In addition, the scheme would be in accordance

³ APP/P1615/W/17/3167847

with Section 7 of the Framework that seeks, inter alia, to promote or reinforce local distinctiveness.

Living conditions of existing occupiers

11. The proposal would see the rear garden areas of plots 2 and 3 adjoin the relatively shallow rear garden of The Forge, a single storey dwelling located to the north of the site adjoining New Road. The Council explains that there are no side windows proposed for plot 2. Whilst concerns have been expressed about the potential oppressive nature of proposed plot 2, at some 12 metres distance between plot 2 and The Forge and the relatively low density of the appeal development overall, it is unlikely that the proposed house at plot 2 would have a deleterious effect on the living conditions of occupiers of the Forge bungalow. Accordingly and from my own observations at the site visit, I do not consider it necessary for a BRE "Site Layout Planning for Daylight" assessment as suggested by the occupiers of the adjoining bungalow would be necessary given the distances involved between existing and proposed dwellings. I am also mindful that the Council's Residential Design Guide⁴ does not set out minimum separation distances between existing and proposed dwellings.
12. 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 Framework in this regard. These policies seek to ensure that new developments are well designed taking account of local character. Importantly and amongst other things, the Framework at paragraph 17 seeks a good standard of amenity for all existing and future occupants of land and buildings.

Conditions

13. The Council has suggested a number of conditions that have been considered against the advice contained in the Planning Practice Guidance. In addition to the standard time limit, a condition is also included that specifies the approved drawings to provide certainty. A condition requiring the submission, implementation and subsequent maintenance of surface water drainage is necessary to safeguard living conditions. Conditions are attached that require the provision of necessary visibility splays and parking facilities within the site in the interests of highway safety and convenience. A condition requiring prior approval of all boundary treatment and subsequent implementation is necessary having regard to the character and appearance of the area and to protect living conditions. Further, a condition is necessary to ensure satisfactory site clearance in accordance with the Council's guidelines in order to afford protection of the ecology of the site.
14. Given my findings in relation to living conditions, I do not consider that withdrawing permitted development rights would be a proportionate response or serve a useful planning purpose in this instance.

Conclusion

15. For the above reasons, and having regard to all other matters raised, I consider that the development accords with the development plan when considered as a whole. I conclude that the appeal should be allowed.

⁴ Forest of Dean Residential Design Guide (1998)

Gareth W Thomas

INSPECTOR