



Appeal Decision

Site visit made on 15 February 2019

by Rebecca Thomas MRTPI

an Inspector appointed by the Secretary of State

Decision date: 16th July 2019

Appeal Ref: APP/P0119/W/18/3215219

Unit 1, Wellington Road, Yate, BS37 5UY

- 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 I Ahmed against the decision of South Gloucestershire Council.
 - The application Ref PK18/1952/F, dated 24 April 2018, was refused by notice dated 26 September 2018.
 - The development proposed is the erection of a building to provide office space to the ground floor and residential development of 3 no. 2-bed apartments with vehicular parking, refuse store and cycle racks.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. Part E of the appeal form and the description on the Council's decision notice show a slightly different description of development to the original application. Neither of the main parties has provided written confirmation that a revised description of development has been agreed. Accordingly, I have used the one given on the original application.
3. Since the submission of the appeal, the National Planning Policy Framework (the Framework) has been updated in February 2019. Paragraph 212 of the Framework outlines that the policies contained within it are material considerations which should be taken into account in dealing with applications from the day of its publication.

Main Issues

The main issues are the effect of the development on:

- the character and appearance of the host building and the wider area;
- living conditions for the occupiers of existing properties and future occupiers of the site; and
- highways safety.

Reasons

Character and appearance

4. The appeal site is currently part of a modern single storey commercial building including a takeaway and a shop. This is set within the context of a nearby public house, a church and a health centre. These buildings are all functional in design and layout, and their relationship to each other. The site is located within a residential area of Yate, however the appeal site and immediate surroundings are instantly recognisable as a small local centre providing local services. It is highly visible from most angles, whether from the public footpath, or various car parking areas around the building.
5. There is a residential care home to the south of the appeal site, Cambrian Green Court. This is located close to the public footpath, with this between the appeal site and the care home building. The care home building is a taller building, with elements three storeys high. Whilst the appeal building is of no real architectural merit, it is low in height and modest in scale and form. I consider its design is functional to its current use. I acknowledge that there is no particular style or scale of building in the area. Nonetheless, each building and its function is easily identifiable through its design.
6. The proposed development would result in an extension to the side and above the existing unit, alongside the adjoining single storey One Stop unit. I consider that the increase in height alongside the One Stop shop is at odds with the overall building and would create a dominant built form which would result in a bulky and imposing building attached to the existing single storey building. The extensions would create an unbalanced building due to the changes in storeys, and in my opinion would not be well integrated with existing adjacent development. I acknowledge that the proposed materials of the cedar cladding has resonance with the detailing on the nearby buildings, however I do not consider that this alone is sufficient to overcome my concerns.
7. I consider that the horizontal emphasis would be at odds with the vertical design details of the surrounding buildings and the resultant building – part two storey, part single storey – would result in a jarring effect on the overall streetscene. Notwithstanding the differing heights of the nearby buildings, I am of the opinion that the appeal site is a distinct commercial building with a defined single storey and this is its main characteristic within the wider area. The proposed extension does not appear to pay any consideration to the existing building or the resultant form. Given also the situation of the building alongside the public footpath, in my opinion the additional bulk of the building would increase the sense of enclosure along this path, without adding any merit to the overall experience of the style and character of the area.
8. I note also the Council's concern about the blank elevation as seen from Wellington Road. The plans show that there would be no windows on the north-eastern elevation, serving bedrooms and bathrooms. I consider that as seen from the street this would add to the bland appearance of the extension, thus adding to the incongruous nature of the development.
9. The building is highly visible from many aspects of the public domain, including from the public footpath which runs east-west from Wellington Road alongside the southern boundary of the appeal site. The addition of the first floor and

side extension does not appear to me to represent any enhancement of the character or appearance of the local area.

10. I acknowledge that the appellant has referred to other extensions within the surrounding area, however these are not directly referenced or details provided and so I make no further comment on this. Notwithstanding this, I have assessed the proposed development based on the details of the proposal before me.
11. With regard to the effects of the development to the character and appearance of the host building and wider area, I conclude that there would be unacceptable harm and the proposal does not in itself contribute positively to the distinctiveness of the place and that this harm outweighs any benefits of the scheme.
12. I have had regard to the relevant policies of the South Gloucestershire Local Plan Core Strategy (CS) including policy CS1 (high quality design) which sets out 11 ways in which new development should deliver high quality design. This includes at (1) that the siting, form, scale, height and massing should (among other things) respect and enhance the character, distinctiveness and amenity of the site and its context. I consider that the proposal would not respect the character of the site and its context and so would be contrary to policy CS1.
13. The South Gloucestershire Policies, Sites and Places Plan (PSP) policy PSP1 expects development to demonstrate an understanding of the buildings and characteristics that make a positive contribution to the distinctiveness of the area and locality. Similarly, the proposal would be contrary to this policy and would not make a positive contribution to the distinctiveness of the area and locality. I have also had regard to the Framework which says that permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions (paragraph 130)

Living Conditions

14. I observed that Cambrian Green Court is very close to the appeal site with rooms that would face each other. Those rooms affected would be bedrooms and living space of flats 1 and 3 of the appeal site which would face habitable room windows in Cambrian Green Court. At my site visit it appeared to me that the windows at Cambrian Court served bedrooms and living space. Due to the lack of separation between these habitable rooms, it is likely that there would be overlooking between both the appeal site and the existing neighbour. I consider this visual intrusion to be an unacceptable loss of privacy through overlooking between both properties which would harm the living conditions of the existing neighbours at Cambrian Green Court as well as future occupants of flats 1 and 3 of the appeal site. I consider that the oblique views referred to by the appellant, if there were to be any, would not sufficiently mitigate for the close proximity between the two buildings.
15. I have considered the options for mitigating this, through the use of obscure glazing or restricted openings, however I do not consider that this is acceptable for the sole windows of bedrooms, which this would be in this case. I acknowledge that there may be some opportunity to provide obscure glazing in the living rooms, however this would offer limited protection to the care home residents given the proximity of the bedrooms. In addition to this I do not

think that obscure glazing would result in acceptable living conditions for a living room, which is often the room with the main outlook and where most time is spent. Given the very close proximity between the appeal site and the care home, I am not persuaded that conditions for restricted opening or glazing type would be sufficient to overcome my concerns.

16. I conclude that the proximity between the existing residential development and the appeal proposal would result in degree of intervisibility between the properties which would be harmful to the living conditions of existing and future occupiers, and as such is contrary to the PSP policy PSP8 (residential amenity) which seeks to protect the living conditions of the occupiers of proposed developments as well as nearby properties, including from loss of privacy and overlooking.
17. I consider that policy PSP38 is more relevant to development within existing residential curtilages, and as this is development to a commercial building I have applied limited weight in my decision. Policy PSP43 looks at private amenity space, expecting all new residential units to have access to private amenity space, and sets out minimum standards for flats. There is no outdoor amenity space provided at the appeal site.
18. The Council has concerns about the lack of private amenity space as well as the appeal site location close to the service yard area. I noted during my site visit that there is a park within walking distance and the other local services and facilities are within easy reach of the appeal site.
19. The Framework expects development to create places that have a high standard of amenity for existing and future users. Notwithstanding the lack of outdoor space, I have taken into account the proximity of the local park and Yate with its leisure and community facilities. Therefore I do not object to the development on this ground alone.
20. I accept that the development would be close to the service area for the adjacent shop and which could cause some disturbance, however this is not substantiated and I am not persuaded that the impacts are so severe as to cause harm to living conditions to the future occupants of the 3 flats.
21. I conclude that the proposals would result in harm to the amenity of the new occupiers and those of nearby properties, in particular Cambrian Green Court as a result of the proximity of the proposed development to that building and the likelihood of unacceptable overlooking and loss of privacy between both sites. The proposed development is therefore contrary to the Core Strategy, PSP8 and the Framework.

Highways safety

22. The Council has raised concern about the effect of the development on highways safety, as a result of inadequate on-site parking which would result in on-street parking in the local area.
23. The proposal has indicated three parking spaces to the rear of the appeal site, including storage for cycles and bins. The proposed development would provide three dwellings each with two bedrooms, and so would be a small scale development.

24. Policy PSP16 of the Local Plan sets out minimum car parking standards for dwellings, as well as cycle standards however it also explains in the supporting text that *"The Council is committed to improving accessibility by means other than the car."* The Council has stated that a total of 5 spaces would be required as a result of the development, taking into account the residential and commercial elements of the proposal. This is based on the parking standards as set out in the Council's supplementary planning documents.
25. The Framework says that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highways safety, or the residual cumulative impacts on the road network would be severe (paragraph 109).
26. The appeal site is in a location with a range of services and employment and where there are opportunities to travel other than by car. I noted a bus stop at Wellington Road opposite the public house and there is a train station in Yate. Core Strategy Policy CS8 discusses integrating parking to support the street scene and not compromising walking, cycling, public transport and highway safety.
27. I consider that the location of the parking is logically placed although acknowledge that it would result in somewhat cramped arrangement. However there would be no unacceptable interruption to the streetscene, given the existing parking arrangements for the nearby businesses. In addition to this, there remains the ability to access the footpaths, cycle routes and public transport. Therefore, despite the shortfall in parking spaces, I consider that the proposal would be compliant with this policy and that of the Framework.
28. In the absence of clear evidence of a local parking issue I do not consider that the proposal would result in a material shortage in parking provision off road in this location. Nor has it been demonstrated that even if there was a material deficiency it would be bound to have a harmful effect on highway safety.
29. Therefore I am satisfied that the modest scale of the proposed development would not cause harm to highways safety and is therefore compliant with the requirements of the Framework and Policy CS8 of the Core Strategy and PSP16 of the Local Plan.

Planning balance

30. Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that if regard is to be had to the development plan for any determination, the determination must be made in accordance with the plan unless material considerations indicate otherwise. I have concluded that the proposal does not comply with PSP policies PSP1 and PSP8 and Core Strategy policy CS1.
31. The proposal would deliver three dwellings in a sustainable location in an area identified where housing would be suitably located. The modest size and scale of the dwellings would also reasonably be expected to be reflected in the sale or rental values. The proposal would make use of an existing area which is developed and I acknowledge that the proposal is of a scale which would support a small to medium sized build company during the construction period. These social and economic benefits weigh modestly in favour of the proposals.
32. However, this benefit would not outweigh the harm to the character and appearance of the host building and the wider area as well as the amenity of

existing and future occupiers. There are no material considerations to indicate a decision should be made other than in accordance with the development plan.

Conclusion

33. For the reasons above, and taking into account all other matters raised, the appeal should be dismissed.

Rebecca Thomas

INSPECTOR