



Appeal Decision

Site visit made on 3 September 2019

by Jonathan Edwards BSc(Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 05 September 2019

Appeal Ref: APP/P1615/W/19/3231374

91 Primrose Hill, Lydney GL15 5SW

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
 - The appeal is made by Mrs Harrison against the decision of Forest of Dean District Council.
 - The application Ref P1288/18/OUT, dated 19 July 2018, was refused by notice dated 21 December 2018.
 - The development proposed is outline application for the erection of a 4 bedroom detached dwelling involving demolition of existing garage. Erection of a new detached garage and new vehicular access for 91 Primrose Hill.
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Decision

1. The appeal is allowed and planning permission is granted for the erection of a 4-bedroom detached dwelling involving demolition of existing garage. Erection of a new detached garage and new vehicular access at 91 Primrose Hill, Lydney GL15 5SW in accordance with the terms of the application, Ref P1288/18/OUT, dated 19 July 2018, subject to the conditions set out in the Schedule at the end of this decision.

Procedural Matters

2. The description in the banner and formal decision above is taken from the Council's decision notice and appeal form and is different from that as set out on the application form. Evidence indicates the Council and appellant have agreed to the revised description of development and interested parties have had an opportunity to comment on the amended proposal. As such, I am satisfied that no party would be prejudiced or caused injustice by my consideration of this appeal based on the revised description of the development. I have removed the words "outline application for" from the formal decision as these are not a description of development.
3. The application was submitted in outline with approval sought for details of access. The submitted drawings include a Proposed Site Plan showing the proposed new access and I have considered these details in my assessment of the appeal. The same drawing also shows details of the layout of the proposed development. Whilst not marked as such, it is clear from the submissions that the layout details have been submitted as illustrative material and I have considered such details on this basis. Drawings titled Illustrative Street Scene

have also been submitted and I have treated the details shown on these as being illustrative.

4. The Council's decision notice refers to a Location and Layout Plan drawing number 2_101 rev D and Illustrative Street Scene drawing number 2_205. However, I have also been provided with a revision E version of the Location and Layout Plan drawing and a revision A version of the Illustrative Street Scene drawing. These drawings mainly show details that are reserved and the details of access are the same on both versions of the Location and Layout Plan. As such, I consider parties would not be prejudiced or caused injustice by my consideration of the revised drawings and I have taken them into account in the determination of this appeal.
5. The National Planning Policy Framework (the Framework) was revised on 19 February 2019 and this post-dates the Council's refusal notice. I have considered the Framework as part of the determination of this appeal.

Main Issues

6. The main issues are the effect on (i) the character and appearance of the area and (ii) the living conditions of the occupiers of neighbouring properties with regard to outlook and privacy.

Reasons

Character and appearance

7. Primrose Hill contains dwellings of various age, size and design. The appeal site is noticeably wider than other properties on the road and is also unusual as the house is set back into the plot. Trees and bushes on a front lawn provide partial screening, but the front and side of the house as well as the detached garage are apparent from the road over a low stone wall. The appeal site is spacious and contributes positively to the area which has a pleasant but varied character with no particularly dominant form of housing or plot size.
8. The illustrative plans demonstrate the proposed dwelling would be accommodated on the appeal site, on the south side of the existing house and roughly in the same position as the detached garage. Whilst space would be reduced, the plans show the proposed house could be set back from the road, thereby retaining a degree of openness to the site. The distance of house set-back and width of plots varies considerably along Primrose Hill, so the proposal would not appear uncharacteristically cramped.
9. The proposed replacement garage is shown indicatively in a prominent position close to the road, albeit screened to a degree by the adjacent house. There is scope to position the garage further into the site and it could be designed as an attractive building that adds positively to the street scene in its own regard. Even with a garage towards the front, the proposed development would retain a significant element of openness to the appeal site, thereby maintaining the character of the area.
10. For the reasons outlined above, I conclude that the development would not be harmful to the character and appearance of the area. Consequently, and in this regard, it would accord with policies CSP.1 and CSP.4 of the Forest of Dean District Council Core Strategy Adopted Version 2012 (FDDCCS), policies AP1 and AP4 of the adopted Forest of Dean District Council Allocations Plan 2018

(FDDCAP) and the Framework all of which aim, amongst other things, to protect or enhance the character and appearance of an area.

Living conditions

11. A stone wall runs on the southern boundary of the appeal site with 87 Primrose Hill (No 87) whilst the small back gardens of bungalows adjoin the appeal site to the east.
12. By virtue of their height and proximity, the boundary wall and detached garage already cause a degree of visual intrusion on No 87's rear ground floor windows and back garden. The proposed dwelling would be visible over the boundary wall and would significantly add to this visual intrusion if positioned and designed insensitively. However, the width of the site would allow the proposed dwelling to be set off the common boundary and I am satisfied that through careful design incorporating lower elements close to No 87, unacceptable loss of outlook or a tunnelling effect would be avoided.
13. Also, through sensitive positioning and design of windows, there would be no direct and harmful overlooking onto No 87. Furthermore, if positioned off the rear boundary as shown indicatively, the proposed dwelling would be far enough away to avoid significant loss of privacy to the bungalows to the east of the site. Overall, whilst necessitating sensitive design, I am satisfied the proposed development could be accommodated on the appeal site without causing significant harm to outlook or privacy to No 87, the bungalows to the rear of the site or any other nearby property.
14. For the reasons outlined above, I conclude that the development would not harm the living conditions of the occupiers of any neighbouring property by reason of loss of outlook or privacy. Consequently, and in this regard, the development accords with policy CSP.1 of the FDDCCS, policies AP1 and AP4 of the FDDCAP, the Forest of Dean Residential Design Guide 1998 and the Framework which aim, amongst other things, to create places with a high standard of amenity for occupiers of property.

Other Matters

15. Concerns have been raised in respect of the loss of on-street car parking, harm to highway safety and damage to adjoining property as a result of the proposal. The creation of the proposed new access would result in the loss of roadside parking space, but the closure of the existing access point would likely create replacement parking opportunities. In any case, there are other roadside parking opportunities close to the appeal site. I have no substantive evidence before me to indicate the proposal would cause highway safety issues and any damage caused to property during construction would be a private matter between the parties involved.
16. In the absence of any substantive evidence to dismiss the appeal on any of the above grounds or complaints, the concerns raised do not override or affect my conclusions on the main issues.

Conditions

17. I have considered the planning conditions put forward by the Council. I have attached conditions relating to the submission of reserved matters and the commencement of development. Also, I include conditions specifying the

relevant plan showing details of access as well as requiring the provision of visibility splays, parking and turning areas for highway safety reasons. A condition requiring details of proposed site and floor levels is required to ensure the proposal appears satisfactory and avoids significant impacts on the living conditions of occupiers of adjoining residences. A condition is included to ensure the proposal incorporates satisfactory drainage and a condition relating to cycle storage facilities is required to promote sustainable travel. A condition is included to ensure the proposal enhances the biodiversity value of the site.

18. Conditions specifically requiring the submission and approval of external materials or boundary treatment details are not required as appearance and landscaping are reserved matters. Conditions restricting the future use of permitted development rights rarely pass the necessity test and the condition suggested by the Council would place extensive restrictions that are unnecessary to make the proposed development acceptable.
19. Where appropriate, I have amended the wording of the suggested conditions for reasons of precision and clarity.

Conclusion

20. For the reasons given above, and taking into account all other matters raised, I allow the appeal as set out in the formal decision above.

Jonathan Edwards

INSPECTOR

Schedule of Planning Conditions

- 1) Details of the appearance, landscaping, layout, and scale, (hereinafter called "the reserved matters"), shall be submitted to and approved in writing by the local planning authority before any development takes place and the development shall be carried out as approved.
- 2) Application for approval of the reserved matters shall be made to the local planning authority not later than 3 years from the date of this permission.
- 3) The development hereby permitted shall take place not later than 2 years from the date of approval of the last of the reserved matters to be approved.
- 4) The access to the development hereby permitted shall be carried out in accordance with the access details as shown on drawing number 2_101 rev E.
- 5) The vehicular access hereby permitted shall not be brought into use until the existing roadside frontage boundaries have been set back to provide visibility splays extending from a point 4.5m back along each edge of the access, measured from the carriageway edge, extending at an angle of 45 degrees to the footway, and the area between those splays and the

footway shall be reduced in level and thereafter maintained so as to provide clear visibility at a height of 600mm above the adjacent footway level.

- 6) The dwelling hereby permitted shall not be occupied until the access, parking and turning facilities approved to serve the dwelling have been fully implemented in accordance with approved details and are ready for use. Thereafter these facilities shall be maintained available for those purposes for the duration of the development.
- 7) Prior to the occupation of the dwelling hereby permitted, full details of the secure and covered cycle storage facilities, for a minimum of 1 cycle shall be submitted to and approved in writing by the local planning authority. The approved cycle storage facilities shall be fully implemented prior to the occupation of the dwelling.
- 8) Prior to the commencement of development hereby permitted, existing and proposed site and floor levels and sections through the site shall be submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with approved site and floor level details.
- 9) Prior to the commencement of development hereby permitted, details of surface and foul water drainage, including connection to any existing facility and the disposal of surface water from the driveway and parking/turning areas within the confines of the site shall be submitted to and approved in writing by the local planning authority. The details shall include the results of three infiltration tests with the lowest infiltration rate (expressed in m/s) used for design. The approved drainage shall be fully implemented prior to the dwelling hereby approved being first occupied and be maintained for perpetuity.
- 10) Prior to the commencement of the development hereby permitted, a biodiversity scheme for the site shall be submitted to and approved in writing by the local planning authority. The approved biodiversity enhancement scheme shall thereafter be fully implemented within 6 months of the first occupation of the dwelling hereby permitted and be maintained for perpetuity.