



Appeal Decision

Site visit made on 20 August 2019 by Ben Phillips Bsc Msc

Decision by R C Kirby BA(Hons) DipTP MRTPI

An Inspector appointed by the Secretary of State

Decision date: 13 September 2019

Appeal Ref: APP/P1615/W/19/3228130

Land Adjacent to 47 Steam Mills, Cinderford, GL14 3JD

- 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 Christopher Lane against the decision of Forest of Dean District Council.
 - The application Ref P1264/18/OUT, dated 22 July 2018, was refused by notice dated 14 November 2018.
 - The development proposed is described as 'Outline application for the erection of one detached dwelling. (Some matters reserved).'
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Decision

1. The appeal is dismissed.

Appeal Procedure

2. The site visit was undertaken by an Appeal Planning Officer whose recommendation is set out below and to which the Inspector has had regard before deciding the appeal.

Application for Costs

3. An application for costs was made by Mr Christopher Lane against the decision of Forest of Dean District Council. This application is the subject of a separate Decision.

Procedural Matters

4. The description of development provided by the Council is used above for accuracy and clarity, which slightly amends the two separate descriptions given by the appellant on the application form and Section E of the appeal form. In addition, the details of the appellant have changed since the initial application which incorrectly identified the agent as the appellant. The appellant is as set out above.
5. This is an outline planning application with approval being sought for all matters (access, appearance, layout and scale) except landscaping. I have considered the proposal accordingly.

Main Issue

6. The main issue in this case is whether the proposed development would provide acceptable living conditions for its intended future occupiers, with particular regard to the provision of private garden/external living space.

Reasons for Recommendation

7. The appeal site is set on an unclassified highway behind Steam Mills Road, the main highway through the village of Steam Mills, and located between No 47 Steam Mills, a semi-detached property and No 45 Steam Mills, which is part of a terrace. These properties are set back from the access way, and whilst of a similar scale are of varying appearance. At the time of my site visit, there were several vehicles being stored on the site.
8. The proposal is for a detached 3 bedroom dwelling with 2 car parking spaces to the front. The Council has no concern with the principle of a dwelling on the site or its appearance, and I have no reason to find differently.
9. To the side of the property is strip of land which the drawings indicate is a 6ft access gap for land to the rear. It extends along the length of the appeal site and whilst coloured green on the submitted drawing, the same as the land to the front and rear of the dwelling, it cannot be counted as private garden space given that access is required to be maintained. I have not therefore taken this strip of land into consideration as being part of the outdoor space that the occupiers of the new dwelling could use.
10. The new dwelling would be large enough to accommodate a family, and there would be a high probability that at some time young children would live within it. The front garden area proposed would not be particularly private, being visible from the road and would be limited in its attractiveness to use as a result. I do not share the appellant's view that the off-street parking spaces should be considered as amenity space, as they would not be particularly attractive to use or private, given the proximity to the road. It would be unlikely that this area could be used for other purposes when vehicles were parked in this space.
11. The rear garden area would be likely to be private, backing onto open fields. However, it would be of a limited size, given the position of the dwelling on the plot. Its size falls substantially short of the 100 square metres of private garden space advocated in the Forest of Dean Residential Design Guide (RDG). Whilst adopted in 1998 the RDG remains consistent with the aims of the National Planning Policy Framework (the Framework) in respect of sustainable development and creating places which promote health and well-being, with a high standard of amenity for existing and future users.
12. The limited size of this area would be unlikely to be large enough to accommodate much more than a patio area with a small area for seating upon it. Its restricted size would be unlikely to be able to accommodate domestic items associated with a family sized dwelling such as play equipment and clothes drying area. It would be cramped and would be unlikely to be a pleasant area to spend time in. Acceptable living conditions to the intended future occupiers would not be provided, in conflict with the aims of the RDG and paragraph 127 of the Framework.
13. I acknowledge that the Council has not made reference to a development plan policy in its decision notice. Nor has one been relied upon in the Council's evidence. As such it is reasonable to assume that the development plan is silent on the matter of living conditions. Paragraph 11d) of the Framework states, amongst other matters, that where there are no relevant development plan policies, granting permission unless certain circumstances apply. In this

- case criteria 11d) i. does not apply to the appeal proposal. In respect of criteria 11d) ii., it is necessary to assess whether any adverse impacts of granting permission would significantly and demonstrably outweigh the benefits, when assessed against the policies in (the) Framework taken as a whole.
14. There is no dispute that the appeal site is within a sustainable location close to services and facilities. The Council acknowledge that the external appearance of the dwelling is acceptable and that there are no highway safety concerns. The proposal would make a contribution, albeit small to the provision of housing in the area. These matters attract moderate weight in my consideration of the proposal.
15. I note the appellant's assertion that there is a park and school playing field approximately 300 metres away which could be walked to, but this does not justify providing family sized homes with poor levels of outdoor private garden areas. Whilst there are nearby dwellings, in close proximity to the appeal site which appear to have small private garden areas, including opposite the appeal site at Nos 39 and 41, it seems that these dwellings have been on the site for some time and are likely to pre-date the RDG. They are not therefore comparable to the proposal before me. I also observed that the adjoining property, No 45, has limited garden space to the rear of it. It does however have a substantial side garden and is not comparable to the appeal proposal. In any event each application and appeal must be determined on its merits.
16. It is noted that examples of a previous committee report¹ and Appeal Decision² have been provided by the appellants which illustrate that the Council and an Inspector have been flexible in the application of the RDG's garden space requirement. The example provided in the Appeal Decision is for a town centre location, and whilst it is unclear as to the location of the committee report application site, they both provide substantially more private garden space than that calculated by the Council. As such, I find the examples quoted are not directly comparable to the appeal proposal. They do not justify harmful development.
17. The benefits of the proposal advanced by the appellant including the provision of a new dwelling in this village location does not significantly and demonstrably outweigh the harm that would result to the living conditions of the intended future occupiers of the new dwelling as a result of the poor quality private garden/external living space that would be provided, in conflict with paragraph 127 of the Framework which requires that developments create places that amongst other matters promote health and well-being, with a high standard of amenity for existing and future users. Accordingly, the proposal would not result in sustainable development.

Other Matters

18. The appellant has raised issue with the way the Council has dealt with his planning application and the decision making process. Such matters should be raised directly with the Council in the first instance. In addition, whilst the lack of objection from No 45 is noted, this matter does not lead me to conclude differently in this case.

¹ P1051/18/OUT Land Adjoining 4 Sedbury Lane, Tutshill

² APP/P1615/A/13/2201368 Land to the rear of 9 Culver Street, Newent, Gloucestershire, GL18 1DB

Conclusion

19. For the reasons given above and having had regard to all other matters raised, I recommend that the appeal should be dismissed.

B Phillips

APPEALS PLANNING OFFICER

Inspector's Decision

20. I have considered all the submitted evidence and the Appeal Planning Officer's report and on that basis the appeal is dismissed.

RC Kirby

INSPECTOR