
Appeal Decision

Site visit made on 6 August 2019

by J Gibson BUEP MPIA

an Inspector appointed by the Secretary of State

Decision date: 17 September 2019

Appeal Ref: APP/P0119/W/19/3225976

Land rear of 51-53 Church Road, Frampton Cotterell, Gloucestershire BS36 2NJ

- 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 Atkinson (Wickwar Homes Ltd) against the decision of South Gloucestershire Council.
 - The application Ref PT18/4975/F, dated 30 October 2018, was refused by notice dated 30 January 2019.
 - The development proposed is for the erection of two dwellings, two double garages, creation of a new driveway and associated works.
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Decision

1. The appeal is allowed and planning permission is granted for the erection of two dwellings, two double garages, creation of a new driveway and associated works at 51-53 Church Road, Frampton Cotterell, Gloucestershire BS36 2NJ in accordance with the terms of the application, Ref PT18/4975/F, dated 30 October 2018, subject to the conditions set out in the attached schedule.

Procedural Matters

2. The description of development in the heading above has been taken from the Council's decision notice as it more accurately reflects the development proposed. I have therefore used this description within my formal decision above.

Main Issues

3. The main issues are the effect of the proposal on:
 - the living conditions of occupants at 51 and 53 Church Road, with specific regard to privacy, noise, disturbance, odours, fumes, vibrations and outlook; and
 - the character and appearance of the surrounding area.

Reasons

Living conditions

4. The appeal property comprises Nos 51 and 53 Church Road. These properties are each occupied by single storey bungalows and with their own independent vehicle access onto a slip road leading to Church Road. The current driveway

- and parking area for No 51 is located directly in front of this dwelling, immediately next to the side elevation of No 53. No 51 has a lounge room window which overlooks this driveway and parking area but has no windows along its side elevation. The side elevation of No 53 has two windows which look out onto this area of which one services a kitchen and the other a lounge room.
5. The appeal proposal would include a shared driveway running between the existing dwellings at Nos 51 and 53. In considering this matter I have taken into account the existing conditions onsite, particularly along the side elevations of Nos 51 and 53. The existing driveway and parking area establish a base line for the living conditions experienced by the occupiers of these dwellings. Both of the side windows at No 53 and the living room window to No 51 immediately look onto this area, and therefore the occupiers of the properties are already used to some traffic and other movements in this area. Although the new dwellings would increase the amount of traffic in this area, this would not be significant given the quantum of development proposed. Therefore, I conclude that the proposal would give rise to any significant adverse effects in terms of privacy, noise, disturbance, odours, fumes, vibrations or outlook.
 6. In reaching the above view, I note that a similar arrangement is in place at the adjoining property towards Alexandra Road. There is a comparable driveway which is used to access backland development and which runs along the full side elevation of each adjoining dwelling. There is no evidence before me that this arrangement has led to any unacceptable impacts for the occupiers of surrounding properties.
 7. For the above reasons, the proposal would accord with Policy CS1 of the South Gloucestershire Local Plan: Core Strategy 2013 (CS), Policies PSP8 and PSP38 of the South Gloucestershire Local Plan: Policies, Sites and Places Plan 2017 (LP), and paragraph 127 of the National Planning Policy Framework (the Framework). Collectively these policies seek, amongst other things, to ensure development respects the living conditions of existing and future occupiers by preventing any undue harm.

Character and appearance

8. The appeal property is located within the settlement boundary of Frampton Cotterell and is characterised by a diverse mix of dwelling types, designs and layouts. The appeal property is unique as it represents one of the few remaining sites with a large rear garden within the surrounding residential area. The development pattern adjoining the site towards Alexandra Road particularly reflects this pattern of backland development. Of specific note, the immediately adjoining property was the subject of recent backland development comprising a locally listed building (formerly 'The Star' Public House).
9. The appeal property is currently characterised by two single storey bungalows which are set well back from the road frontage. These dwellings sit prominently within the street scene due to the elevated nature of the appeal property. Should any backland development occur within the rear garden of Nos 51 and 53 it would be obscured from the street scene by the existing dwellings. The driveways servicing these two properties are not conspicuous

from the street scene due in part to the prominent location of the existing dwellings.

10. The Council's delegated officer report describes the design of the proposed driveway as their primary concern in considering the effect on local character and appearance. The proposed driveway is specifically described as appearing "*cramped, contrived and fail[ing] to integrate with the overall site layout*". In considering this matter I have had regard to the surrounding area for context. Consistent with the proposed driveway design, the neighbouring property with the converted locally listed building presents a similarly wide access driveway servicing backland development. Adjacent to this property there is a driveway which leads to backland development, albeit that this is of a width comparable to the initial opening of the proposed driveway.
11. Given the above, I do not consider that the proposed driveway configuration would be out of keeping with the surrounding area. Furthermore, the driveway was deemed appropriate by the Council's Transport Officer to meet the requirements of the development. The proposal represents an efficient use of the site and is in keeping with the established development pattern surrounding the appeal property.
12. For the above reasons, I conclude that the proposed driveway would not cause harm to the character and appearance of the area. There is no dispute between the main parties that the design of the dwellings, garages and associated works would also be acceptable in character and appearance terms. I have no reason to disagree with such a view. Therefore, the appeal proposal accords with Policy CS1 of the CS, Policy PSP38 of the LP, and chapter 12 of the Framework. Collectively these policies seek, amongst other things, to ensure development respects the character and distinctiveness of sites and their surrounding context.

Other Matters

13. The proposed development is within close proximity to a locally listed building (formerly 'The Star' Public House), located on the neighbouring property towards Alexandra Road. The bulk of the development would be located well away from the locally listed building, and as such would not harm its setting or significance.

Conditions

14. In allowing the proposed development I have had regard to the conditions proposed by the appellant and by interested parties to the appeal. Where necessary I have amended the wording of the suggested conditions, in the interests of precision and clarity, and in order to comply with advice in the Planning Practice Guidance and the Framework. The Council did not provide conditions for consideration.
15. Planning permission is granted subject to the standard three year time limit condition. It is necessary that the development shall be carried out in accordance with the approved plans, for the avoidance of doubt and in the interests of certainty. It is necessary that the latter condition is worded in such a way that the garages are oriented per the details shown on plan Ref 1128-18/3203.

16. In this case, there is no exceptional justification for removing permitted development rights from the property.
17. A pre-commencement condition was recommended by the Coal Authority as part of their consultation response. The purpose was to ensure adequate information pertaining to ground conditions and coal mining legacy is available to enable appropriate remedial and mitigatory measures to be identified and carried out before building works commence on site. I have imposed this condition accordingly.
18. In the interests of the living conditions of the occupiers of neighbouring properties, it is necessary to impose planning conditions requiring (i) obscure glazing to be applied to the window on the south eastern elevation of House 1 and (ii) the submission and approval of a Construction Environmental Management Plan.
19. In the interests of the character and appearance of the area, it is necessary to impose a landscaping and building material conditions. It is not necessary that these be pre-commencement conditions and so I have altered the suggested wording accordingly.
20. Both parties have had the opportunity to provide comments on the schedule of conditions. The procedure set out under section 100ZA(5) of the Town and Country Planning Act 1990 has been followed. No response has been received from either party with regard to pre-commencement conditions specifically within the required timeframe. Deemed consent has therefore been given in accordance with Regulation 2(1)(b) of the Town and Country Planning (Pre-commencement Conditions) Regulations 2018.

Conclusion

21. For the reasons given above, and taking into account all other matters raised, I conclude that the appeal should be allowed.

J Gibson

INSPECTOR

Schedule of 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: Site Location Plan (Ref 1128-18/LP, dated Oct '18); Site Plan, Existing (Ref 1128-18/1000, dated August '18); Site Plan, Proposed (Ref 1128-18/3000, dated August '18); House 1 – Ground & First Floor Plans, Proposed (Ref 1128-18/3100A, Rev A, dated 02.11.18); House 2 – Ground & First Floor Plans, Proposed (Ref 1128-18/3101, dated August '18); House 1 – Elevations, Proposed (Ref 1128-18/3200 A, Rev A, dated 02.11.18); House 2 – Elevations, Proposed (Ref 1128-18/3201, dated Oct '18); North East Elevation in Context Proposed (Ref 1128-18/3202, dated Oct '18); and Typical Garage Plans & Elevations, Proposed (Ref 1128-18/3203, dated Oct '18), with the exception of the double garage orientation shown on plan Ref 1128-18/3000 which is to be carried out in accordance with the design shown on plan Ref 1128-18/3203 providing vehicular access to the internal driveway.
- 3) The building hereby permitted shall not be occupied until the access and parking arrangements (including garage and cycle storage) have been completed in accordance with the approved details and shall thereafter be maintained.
- 4) A Construction Environmental Management Plan (CEMP) shall be submitted to and approved in writing by the local planning authority before any works commence. During the period of construction there shall be full compliance with the approved CEMP.
- 5) The building hereby permitted shall not be occupied until the window on the south eastern elevation of House 1 (refer approved plan Ref 1128-18/3200 A) has been fitted with obscured glazing. Details of the type of obscured glazing shall be submitted to and approved in writing by the local planning authority before the window is installed and once installed the obscured glazing shall be retained thereafter.
- 6) No development shall take place until an intrusive site investigation of the nature and extent of any land instability has been carried out in accordance with a methodology which shall have previously been submitted to and approved in writing by the local planning authority. The results of the site investigation shall be made available to the local planning authority before any development takes place. If any land instability issues are found during the site investigation, a report specifying the measures to be taken to remediate the site to render it suitable for the development hereby permitted shall be submitted to and approved in writing by the local planning authority. The site shall be remediated in accordance with the approved measures before development takes place. If, during the course of development, any unexpected land instability issues are found which were not identified in the site investigation, additional measures for their remediation shall be submitted to and approved in writing by the local planning authority. The remediation of the site shall incorporate the approved additional measures.
- 7) A scheme of landscaping shall be submitted to and approved in writing by the local planning authority prior to occupation of the buildings. The scheme shall include details of species mix, ratio of planting per metre, size of planting,

identify existing vegetation on the land to be retained, timing of installation of protective fencing for vegetation to be retained, timing of new planting and aftercare. Landscaping shall thereafter be carried out in accordance with the approved details.

- 8) Before any building operations above the approved ground floor level are commenced, samples and details of the proposed external surface materials of the dwellings and garages shall be submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details and samples.