
Appeal Decision

Site visit made on 17 September 2019

by R C Kirby BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 11 October 2019

Appeal Ref: APP/G1630/W/19/3230590

Land at rear facing Sherwood Green, 382 Longford Lane, Gloucester, Gloucestershire GL2 9BX

- 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 Sidney Staton against the decision of Tewkesbury Borough Council.
 - The application Ref 18/00409/FUL, dated 9 April 2018, was refused by notice dated 10 December 2018.
 - The development proposed is described as erection of detached dwelling with alteration to existing vehicular access. Revised application (ref 16/00948/FUL) & following Appeal.
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Decision

1. The appeal is dismissed.

Main Issue

2. The main issue in this case is the effect of the proposal on the character and appearance of the area.

Reasons

3. The appeal site is located within an established residential area. Sherwood Green is characterised by a mix of semi-detached bungalows and detached dwellings with steep pitched roofs. It has a pleasant spacious, open layout, as a result of the siting of the dwellings behind largely unenclosed front gardens and the long garden of the host property.
4. By contrast the new dwelling would be sited close to the pavement along the road, in a shallow plot. It would as a result of the limited space around the building, and its proximity to the rear of No 382 result in a cramped form of development which would significantly detract from the pleasant spacious nature of development along the road. Moreover, the introduction of a dwelling on the appeal site as proposed would, when taken with Nos 1a and 1b Sherwood Green, have a significant enclosing effect on the entrance to the road. The proposal would not respond positively to, nor respect the character of its surroundings. Although the design of the dwelling would be similar to development nearby, I do not accept that this would 'diminish any conspicuousness of the development within the streetscene' as asserted by the appellant.
5. I note that the existing tall boundary fence of the host property encloses the entrance into Sherwood Green to a degree. However, such enclosure is a

common feature in residential areas where rear gardens adjoin a road. The new dwelling would be significantly higher than the boundary fence and would have a significantly greater impact on the character and appearance of the area than the existing fencing, even taking into account that the private garden area to the side of the dwelling may not be enclosed.

6. I acknowledge that the dwellings opposite are located close to the road and have small gardens to the side of them. However, these dwellings are viewed in a different context to that which the appeal proposal would be, in terms of their relationship to dwellings within the road. They do not provide justification for harmful development on the appeal site.
7. I conclude that the proposal would result in harm to the character and appearance of the area, in conflict with Policy SD4 of the Gloucester, Cheltenham and Tewkesbury Joint Core Strategy 2011 – 2031 which requires new development, amongst other matters, to respond positively to, and respect the character of the site and its surroundings, enhancing local distinctiveness, and addressing the urban structure and grain of the locality in terms of layout. This policy is in broad conformity with paragraph 127 of the National Planning Policy Framework (Framework), which requires, amongst other matters, that development adds to the overall quality of the area and is sympathetic to local character.

Other Matters

8. I note that the appellant has sought to respond to the concerns raised by a previous Inspector¹ by reducing the size of the dwelling, setting it back from the pavement and re-siting it upon the plot. However, I have considered the proposal on its merits and found that harm would result. The appellant's willingness to change the scheme does not lead me to conclude differently.
9. It is asserted that a substantial outbuilding could be built upon the site under permitted development rights, but in the absence of detailed information in this regard, I am unable to ascertain whether or not the impact of such development would be directly comparable to the appeal proposal. This therefore limits the weight that I can give this matter in my determination of this appeal.
10. To the rear of the appeal site on Tewkesbury Road at No 98 is a grade II listed building. In accordance with Section 66 (1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 I am required to have special regard to the desirability of preserving the listed building's setting. I observed that this building is located away from the boundary, within its own garden. There is modern development located much closer to this heritage asset than the appeal proposal would be. I find that the separation distance from the listed building would ensure that the proposal would not result in harm to the setting of it. The setting of the listed building would be preserved by the proposal.
11. There is no dispute that the Council is unable to demonstrate a 5 year supply of deliverable housing sites. It is submitted that the presumption in favour of sustainable development applies to the appeal proposal. The Framework however makes it clear at paragraph 12 that the presumption in favour of sustainable development does not change the statutory status of the

¹ Ref APP/G1630/W/17/3185012

development plan as the starting point for decision making. In this regard I have found that the proposal conflicts with the development plan and moreover, the policy that is most important for determining this appeal (Policy SD4) is not out-of-date. The tilted balance given by paragraph 11 d) of the Framework is not applicable in this case.

Planning Balance

12. The new dwelling would be on a site within a settlement where the development plan policies support such development in principle. The proposal would make a contribution, albeit small to the supply of housing in the area and would support the Government's objective of significantly boosting the supply of homes. Although not substantiated, I accept that there would be likely to be economic benefits associated with the proposal including the creation of construction jobs and the likely expenditure of the intended future occupiers within the local economy. However, given the nature of the proposal for 1 dwelling, such benefits would be limited.
13. Against these benefits is the substantial harm that would be caused to the character and appearance of the area, which I find significantly and demonstrably outweighs the benefits of the scheme.

Conclusion

14. For the above reasons, and having regard to all other matters raised, the appeal is dismissed.

R C Kirby

INSPECTOR