



Appeal Decision

Site visit made on 21 October 2019

by H Porter BA(Hons) MScDip IHBC

an Inspector appointed by the Secretary of State

Decision date: 11 November 2019

Appeal Ref: APP/P1615/W/19/3230129

Lewins Mead, Land adjacent to Old School House, New Road, Bream GL15 6ET

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant consent, agreement or approval to details required by a condition of an approval.
 - The appeal is made by Lance Ivory against the decision of Forest of Dean District Council.
 - The application Ref 0276/19/APP, dated 12 March 2019, sought approval of details pursuant to condition No 1 (a) of an approval Ref P0408/15/OUT, granted on 11 May 2015.
 - The application was refused by notice dated 1 May 2019.
 - The development proposed is a detached dwelling with associated access, turning and parking.
 - The details for which approval is sought are: access, appearance, landscaping.
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Decision

1. The appeal is allowed and the reserved matters are approved: namely access, appearance and landscaping details submitted in pursuance of Condition No 1 (a) attached to planning permission Ref P0408/15/OUT dated 11 May 2015 subject to the conditions listed at the end of this decision.

Preliminary matter

2. The appellant has submitted a revised proposed site plan drawing (101 F) during the course of the appeal proceedings. However, in the interests of fairness, I have considered the appeal in light of the plans that were considered by the local planning authority, and on which interested people's views were sought.

Background and Main Issue

3. Outline planning permission for a detached dwelling was granted in 2015 (Ref P0408/15/OUT); with reserved matters of access, appearance and landscaping having been approved in 2017 (Ref P0168/17/APP). Amendments to those approved reserved matters are now sought relating to a change of access, landscaping and change of material to the gable face. The Council raise no issue with the proposed replacement of natural stonework with painted render, and I see no reason to disagree.
4. On that basis, I consider the main issue in this appeal to be the effect of the proposed development on the living conditions of future occupants of the appeal site, with particular regard to privacy and the quality of outdoor space.

Reasons

5. Under the approved scheme, vehicular access to the site would be provided off New Road, with the parking and turning area located within the front southwestern corner of the site and the main outdoor space located along the rear, north-western part. The proposal is now to relocate the vehicular entrance to the north of the site, off an unmade access track. The parking and turning area would be to the rear and side of the dwelling, essentially where the main outdoor space is under the approved scheme. In so doing, the main garden space would be towards the front of the dwelling, with supplementary hedgerow planting along the New Road site boundary.
6. The development has started and is nearing completion. I was able to see during my site visit that the area to the rear of the property is, as the appellant describes, relatively dark and significantly overshadowed by the rear elevation of the dwelling and mature boundary planting along the north of the site. The north-western corner of the site would be more open and lighter but, under the approved scheme this would be in-line with the vehicle-wide access point onto New Road. Moreover, there is a dwelling on the opposite side of the access track that has upper-storey windows that look directly onto the approved rear garden space. Consequently, there are features of the approved scheme that would compromise to the meaningful sense of seclusion and privacy it would provide.
7. I accept that it would be atypical for a garden space to be provided at the front rather than the rear of a dwelling and that, under the proposed revised scheme, the private garden area would be more than 20m² smaller than the approved garden area. That said, the garden being proposed would be south-facing and enclosed by either 1800mm-high fencing or hawthorn hedge. Bearing in mind the site-specific circumstances, rigid adherence to the Council's Residential Design Guide, which advocates gardens averaging 100m² on the private side of the house to the rear of the plot, would not necessarily ensure the best use of the appeal site for the benefit of its future occupiers. Rather, despite the garden being towards the front of the appeal site, the revised scheme would provide a light and well-screened outdoor space of acceptable quality for future occupiers.
8. The closest properties to the proposed garden area are Numbers 1 and 2 Old School House. I saw just one window in the rear elevations and that was obscured. Moreover, the appeal site is located on higher ground. Bearing in mind the timber fencing and supplementary planting proposed, I consider there would be very limited opportunities for harmful overlooking and loss of privacy. Hawthorn Cottage is situated a little further up and on the opposite side of New Road than the appeal site. While its upper storey windows are orientated towards the proposed front garden plot, these some distance away and the corner of the appeal site has a high vegetal boundary that would limit overlooking.
9. All things considered, I find that the proposed development would provide adequate privacy and an acceptable quality of outdoor space for its future occupiers, which would not result in harm to living conditions. I therefore do not consider there would be any conflict with CSP.1 of the Forest of Dean Core Strategy, February 2012 or with Policy AP.1 of the Allocations Plan, June 2018 as purported by the Council. Nor do I find any conflict with the policies within the National Planning Policy Framework, Revised February 2019, insofar as

these seek to ensure developments provide a high standard of amenity for existing and future users.

10. I have considered an appeal decision submitted in support of the Council's case (APP/P1615/W/19/3221466), concerning a farmhouse and annexe that shared grounds with no boundaries. Harm was found, as there would have been no private areas for occupiers to retreat to. However, I do not consider that decision is sufficiently closely related to the proposal before me, which is one dwelling standing in its own ground that would benefit from site boundaries all around and would also provide private areas for future occupiers. This decision has therefore not altered my findings, which have been informed by the individual merits of the proposals before me.

Conditions

11. Subject to slight modification for clarity, I have imposed the conditions suggested by the Council. I agree that a condition specifying the approved plans is necessary as this provides certainty; the other conditions are necessary in the interests of ensuring the development does not harm highway safety, the water environment, the character and appearance of the area or living conditions of future occupiers.

Conclusion

12. For the reasons set out above, I conclude that the appeal should be allowed.

H Porter

INSPECTOR

SCHEDULE OF CONDITIONS

- 1) The development hereby permitted shall be carried out in accordance with the following approved plans: Proposed site plan (Drawing No. 101 Revision E); Proposed elevations and floor plans (Drawing No. 102 Revision C); Location Plan and access details (Drawing No. 203)
- 2) The development hereby permitted shall not be occupied until the access, parking and turning facilities shall have been constructed and are ready for use in accordance with the details shown on the submitted Drawing No. 101 Revision E and that space shall thereafter be kept available for access and parking.
- 3) The development hereby permitted shall not be occupied until the foul and surface water drainage system for the site has been completed in accordance with the details shown on the submitted Drawing No. 101 Revision E. The drainage system shall be managed and maintained thereafter in accordance with approved details.
- 4) The hard and soft landscaping works shall be carried out in accordance with the approved details shown on the submitted Drawing No. 101 Revision E before the end of 12 months after the development is first occupied or before the end of the first planting and seeding season following occupation of the development, whichever is the sooner; and any plants that die or become seriously damaged or diseased within a period of 5 years from the completion of the development, are removed and replaced in the next planting season with others of similar size and species.