



## Appeal Decision

Site visit made on 14 January 2020

by **B Davies MSc FGS CGeol**

an Inspector appointed by the Secretary of State

Decision date: 4 February 2020

---

### Appeal Ref: APP/P1615/W/19/3240304

### Wellmeadow Bungalow, Lydney Road, Bream, GL15 6EN

- 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 & Mrs N & J Seabridge against the decision of Forest of Dean District Council.
  - The application Ref P1014/19/FUL, dated 26 June 2019, was refused by notice dated 13 September 2019.
  - The development proposed is 'erection of two detached, two storey dwellings with associated parking, landscaping and access, in land adjacent to Wellmeadow Bungalow'.
- 

### Decision

1. The appeal is allowed. Planning permission is granted for the erection of two detached, two-storey dwellings with associated parking, landscaping and access, in land adjacent to Wellmeadow Bungalow, Lydney Road, Bream, GL15 6EN in accordance with the terms of the application, Ref: P1014/19/FUL, dated 26 June 2019, subject to the conditions set out in the attached schedule.

### Preliminary matters

2. Revisions of drawings were received during the application process. I have based my decision on drawings 100B, 101B, 102D and 104A, and disregarded all other, now superseded submissions. I have also disregarded drawing 103, although referenced on the refusal notice, because the site boundaries shown have now been superseded and the amended boundary is clearly shown on drawing 102D.
3. Drawing 700A was submitted as part of the appeal. This is for visualisation purposes only and does not evolve the scheme. On this basis, no parties would be prejudiced by acceptance of this, and I have referenced it as part of my decision.

### Main Issues

4. The effect of the proposal on:
  - The character and appearance of the area;
  - The living conditions of neighbours, having particular regard to overlooking of the occupants of Wellmeadow Bungalow.

## Reasons

### *Character and appearance*

5. The appeal site is just within the settlement boundary of the major village of Bream. It is a large grassed area on elevated ground behind Wellmeadow Bungalow, with a small stable and shed in the corner. The southern side of Lydney Road, on which the bungalow sits, has developed over a long period of time, resulting in ribbon development along the highway of mixed architectural styles, although houses are predominantly detached and two-storey. On the northern side of Lydney Road the area is built up to the full extent of the line of sight, with an eclectic mix of heights, roof styles and architecture. A large modern estate of brick buildings is directly opposite the entrance of the appeal site.
6. Although the southern side of Lydney Road has generally been developed to one property deep, when visiting I had the strong impression of deeper development and no distinct pattern to the grain of buildings. This is because there are highly varied set-backs to frontages, numerous rear outbuildings and at least one back land development, in addition to expansion along nearby lanes running perpendicular to the main road. At this point Lydney Road has a generous curve, contributing to the appearance of non-linear development. When this is taken into consideration, in my opinion the addition of two two-storey, detached houses running parallel to a lane is consistent with the overall grain of development on this side of the road.
7. The Residential Design Guide (RDG, 1998) suggests that new dwellings should be below the current sight line to retain character and they should remain below the ridgeline. This guide was adopted, remains broadly consistent with the aims of the National Planning Policy Framework and I therefore give it significant weight. Based on drawing 104A the height of the proposed rooflines is similar to the two-storey property in front. Render 8 on drawing 700A suggests that rooflines would slightly interrupt the ridgeline when viewed from the public domain, but it is notable that this would not interrupt views of the forest at this location because the RDG suggests that this is, at least in part, an intention of this requirement. I also give some weight to the obscured view of the site from the public domain observed at the site visit, which further reduces any harm. I therefore conclude the proposals are in line with the guidance. I do not consider the height would dominate the surrounding area and therefore it would not cause harm to its character and appearance.
8. In my opinion it is not necessary to focus on the bungalow as the dominant form for comparison because the more visible taller houses nearby are most likely to evoke comparison from the public realm. Nevertheless, the houses would be cut into the hill, not directly behind the bungalow and sufficient distance away that in my opinion they would not appear to overwhelm the bungalow or harm the appearance of the area.
9. Materials and house design are respectful of the character of the area. The addition of chimneys at the end of a slated gable roof reflects features characteristic of the vernacular architecture and the overall house structure is consistent with the many local modern houses nearby. I therefore consider the development is consistent with the architectural character of the wider area.

10. Policy CSP1 of the Forest of Dean District Council Core Strategy, 2012 (CS) and AP4 of the Forest of Dean District Council Allocations Plan, adopted June 2018 (AP) together require that new development take into account important characteristics of the environment and secure good design, which for the reasons above I consider these proposals achieve. I therefore conclude that the proposal would not harm the character and appearance of the area.

#### *Living Conditions*

11. Although not directly fronting onto the bungalow, a tangential view of its rear could be obtained from the upper front windows of Plot 1, as illustrated in the new visualisation plots. The Appellant proposes a 1.8 m fence close to the back of the bungalow to protect the privacy of the residents, and based on drawing 700A, I conclude that occupiers would not suffer loss of privacy or overlooking. The RDG suggests that to protect privacy, face to face houses should be at least 14 m apart. In this case the buildings would not be face to face and this width is exceeded. This aspect of the development is consistent with Policy A4, which requires that development respects the amenity of residents and others.
12. The Council raises concerns about overlooking of the large grassed area immediately in front of the new houses. During the site visit I observed that the main amenity space for the occupants of Wellmeadow Bungalow is a large garden on the opposite side of the house and this is reinforced by the proposal to fence this garden area to ensure privacy. Given that I consider it unlikely that the grassed area in front of the new houses would be needed as a private amenity space, I do not consider overlooking of this area to be harmful or in conflict with Policy A4.
13. In light of the above, I conclude that the proposal would not harm the living conditions of neighbours, having particular regard to overlooking of the occupants of Wellmeadow Bungalow.

#### *Other Matters*

14. Policy CSP4 of the CS states that most change will be expected to take place within existing settlement boundaries and Policy CSP16 of the CS states that the defined settlement boundary will be a key determinant in deciding the acceptability of proposals. I interpret this to mean that land within the settlement boundary is in principle available for sustainable development. I have nothing before me that provides a policy underpinning for the Council's definition of, and need to protect, 'transitional space'. I appreciate the Council's desire to protect the countryside but consider, for the purposes of this appeal, this is achieved through application of a clear settlement boundary and specific designations, where appropriate. I do not find that the location conflicts with the objectives of the Development Plan.
15. I have noted the dispute between parties regarding whether the houses would be self-build and been mindful of the national objective in Section 59 of the NPPF to significantly boost the supply of homes. I have not been provided with a detailed breakdown of local housing need, but regardless of this, as the development is for only two houses only small weight can be attributed to this benefit.

16. I have noted concerns expressed regarding loss of light to Jubilee Villas. The Council's calculations, with which I concur, suggest that given the distance between the properties this would not amount to any significant harm.
17. The Council has drawn my attention to two recent Appeal Decisions<sup>1</sup>. I have given full weight to the Residential Design Guide and for the reasons above, I do not consider that accepting a visualisation drawing at the appeal stage constitutes evolution of the scheme and therefore prejudice of interested parties is not incurred. This decision is therefore consistent with the appeals presented.

### **Conditions**

18. The Council requests that 8 conditions be imposed and I will consider these under the same numbers.
19. (1) The three year period in which the planning permission may be implemented is a statutory requirement. I also consider that (2) is necessary in the interests of clarity to specify the approved plans and that the development shall be undertaken in accordance with these. This condition secures construction materials because these details are clearly set out in the referenced plans. It is reasonable that as the site entrance will be on a main road and the number of vehicles increased, that visibility, turning facilities and gate construction are secured and maintained in the interests of protecting highway safety via (3), (4) and (5) and I have altered the drawing reference to reflect the most recent amendment. I have not imposed the Council's suggested condition (6) to control accommodation of vehicles and materials during construction because I am not satisfied that such controls are necessary in the circumstances of this case. (7) will ensure the proper provision for surface water drainage and ensure flooding is not exacerbated in the locality and (8) will secure proper foul drainage.

### **Conclusions**

20. I have found neither harm to the character and appearance of the area or to living conditions of neighbours, and when balanced against the sustainability of this location, and having had regard to all other matters raised, I conclude that the appeal should be allowed.

*B Davies*

INSPECTOR

---

<sup>1</sup> 3228130 (September 2019) and 3228304 (September 2019)

## **Schedule of Conditions**

- 1) The development hereby permitted shall be commenced before the expiration of three years from the date of this permission.
- 2) The development hereby permitted shall be carried out in accordance with the application form and drawing numbers 100B, 101B, 102D and 104A, except where these may be modified by any other conditions attached to this permission.
- 3) Notwithstanding the submitted plans, 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 2.4m back along the centre of the access measured from the public road carriageway edge (the X point) to a point on the nearer carriageway edge of the public road 54m distant in both directions (the Y points). The area between those splays and the carriageway shall be reduced in level and thereafter maintained so as to provide clear visibility above 1 metre above the adjacent carriageway level.
- 4) Prior to the occupation of the development hereby permitted, the vehicular access shall be laid out and constructed in accordance with drawing 102D with any gates situated at least 5 m back from the carriageway edge of the public road and hung so as not to open outwards towards the public highway. The area of driveway within 5 m of the carriageway edge of the public road shall be surfaced in bound material, and shall be maintained thereafter.
- 5) The buildings hereby permitted shall not be occupied until the vehicular parking and turning facilities have been provided in accordance drawing 102D, and those facilities shall be maintained for those purposes thereafter.
- 6) Prior to the commencement of development, a full surface water drainage scheme shall be submitted to and approved in writing by the local planning authority. The scheme shall include details of the size, position and construction of the drainage scheme, and results of soakage tests carried out at the site to demonstrate the infiltration rate. Three tests should be carried out for each soakage pit as per BRE 365, with the lowest infiltration rate (expressed in m/s) used for design. The details shall include a management plan setting out the maintenance of the drainage asset. Thereafter the development shall be carried out in accordance with the approved details prior to the first occupation of the development hereby approved and shall be maintained in accordance with the management plan thereafter.
- 7) The foul water drainage system(s) for the development shall be implemented in accordance with the Forest of Dean District Council: "Drainage requirements for domestic extensions and single dwellings." All required drainage shall be in place and operational before the dwelling which it serves is first occupied and shall thereafter be permanently maintained.