



Appeal Decision

Site visit made on 28 October 2019 by Ben Phillips BSc MSc

Decision by J Whitfield BA(Hons) DipTP MRTPI

An Inspector appointed by the Secretary of State

Decision date: 18 February 2020

Appeal Ref: APP/P1615/W/19/3235123

Land at Joyford Hill, Joyford Hill, Coleford, GL16 7AH

- 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 JW Reeves Builders Ltd against the decision of Forest of Dean District Council.
 - The application Ref P0593/19/FUL, dated 9 April 2019, was refused by notice dated 11 July 2019.
 - The development proposed is described as the erection of 4 new detached dwellings and associated works.
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This decision is issued in accordance with Section 56 (2) of the Planning and Compulsory Purchase Act 2004 as amended and supersedes that issued on 3 January 2020

Decision

1. The appeal is allowed, and planning permission is granted for the erection of 4 new detached dwellings and associated works at Land at Joyford Hill, Joyford Hill, Coleford, GL16 7AH in accordance with the terms of the application, Ref P0593/19/FUL, dated 9 April 2019, subject to the conditions set out in the Schedule below.

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.

Procedural Matters

3. The Council have referred to a Joyford Hill Road, it is unclear as to whether this highway is called Joyford Hill Road or just Joyford Hill, however I have used Joyford Hill Road for clarity.

Main Issues

4. The main issues in this case are the following:
 - The effect that the proposed development would have on the character and appearance of the surrounding area; and
 - 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

Character and appearance

5. The appeal site comprises an area of paddock, sloping from Joyford Hill Road up to Nine Wells Road. It is bordered on all sides by dwellings and located within the settlement of Berry Hill. The settlement is characterised by a variety of dwelling sizes and character with no regular pattern or development grain. Joyford Hill Road varies from tightly grained suburban character on its southern end, to more sporadic, semi-rural towards the north when extending out of the built environment towards open countryside.
6. The four proposed dwellings would utilise two access points. Three dwellings would be accessed from one central new entrance from Joyford Hill Road, and one larger dwelling accessed via an existing access point to Nine Wells Road. Planning permission has previously been granted for three dwellings on the site¹, utilising the same general pattern of development as that proposed here with two dwellings facing Joyford Hill Road and one larger dwelling accessed from Nine Wells Road.
7. The Council's principal concern is the effect of the additional dwelling on the character and appearance of the character and appearance of the area.
8. The proposal would mean that three properties would now be located facing Joyford Hill Road rather than the previously approved two. The Council's Committee Report notes the variety of existing plot sizes along Joyford Hill Road, the separation distances between dwellings and the variety in dwelling size and character. The variety in the architectural detailing and ridge height for the proposed three, two-storey dwellings would ensure sufficient variety to appear in keeping with the street scene.
9. Moreover, a hedgerow to the front of the site would be partly retained, softening the built form. In addition, whilst the separation distances between the dwellings would appear limited, there are several examples of neighbouring properties along Joyford Hill Road with a similarly close pattern and grain. Furthermore, the development would also be seen in the context of the existing typical suburban character of the Nine Wells Close dwellings set above. As a result, I find that the proposed development would integrate into the mixed character and appearance, density and grain of the surrounding area, provide a quality environment and preserve local distinctiveness.
10. I conclude, therefore, that the development would not have a harmful effect on the character and appearance of the area. As a consequence, it would accord with Policy CSP.1 of the Core Strategy Adopted Version (adopted 2012), Policies AP.1 and AP.4 of the Allocations Plan 2006 to 2026 Adopted 2018, Policies HP.4 of the Berry Hill, Christchurch and Edge End Neighbourhood Development Plan 2016-2026 and the Forest of Dean Residential Design Guide (RDG). These policies are consistent with section 12 of the National Planning Policy Framework (the Framework) and National Planning Policy Guidance.

Living conditions

11. The plans indicate that the three dwellings fronting Joyford Hill Road would fall short of the average of 100sqm of private garden space sought for new development in the RDG. The Council has measured the provided garden spaces as 90sqm for plots 2 and 3, and 84sqm for plot 1. The appellant

¹ P0989/15/OUT, approved 8 April 2016.

disputes these figures. However, even if the gardens would be slightly under the recommended garden size at the figures suggested by the Council, I am satisfied that the dwellings would be provided with large enough spaces to accommodate domestic items associated with a family sized dwelling such as play equipment and clothes drying area. Moreover, the gardens would not be cramped and would likely be a pleasant area to spend time in. Whilst sloping, the land is not of a gradient that would prevent the garden being comfortably used.

12. The appellants point to the previously approved scheme as providing 73sqm gardens. Whilst the details of this scheme are not before me it is noted that the Council do not dispute this. As such it is concluded that a certain flexibility in the imposition of this garden space requirement has previously been demonstrated by the Council, as is accepted in the Councils appeal statement.
13. The appeal decision referenced by the Council² proposed a garden space that fell substantially short of the advocated size and is not directly comparable to the development the subject of this appeal.
14. I therefore conclude that the development would provide acceptable living conditions for future occupiers with particular regard to the provision of private garden/external living space. As such, the development would not conflict with the aims of 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 (paragraph 127) or that of the RDG's aim of promoting residential environments which achieve development which is sustainable.

Other Matters

15. The occupiers of neighbouring dwellings raise issue with the access on Joyford Hill Road and subsequent traffic and congestion problems. In addition, issue is raised regarding water run-off from the development down the hill and the partial loss of the hedge frontage. Conditions are recommended by the Council requiring full further detail of a surface drainage scheme. I am satisfied that this would ensure that an appropriate drainage scheme is approved and that there would be no harm therefore in this respect. A limited amount of the frontage hedgerow will be lost, however the remaining majority will ensure the retention of the existing character.
16. With regards to highway safety, it is noted that the visibility splays provided are in accordance with the requirements of the Highway Authority and are as previously approved under permission P0989/15/OUT. I am satisfied therefore there would be no undue harm to highway safety.

Conditions

17. 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 in the interests of certainty. In the interests of the character and appearance of the area, it is necessary to impose conditions relating to boundary treatments and soft landscaping. A condition requiring the parking and turning spaces be completed prior to occupation is

² APP/P1615/W/19/3228130

necessary to prevent harm to highway safety. In order to safeguard biodiversity, a condition securing the implementation of the submitted biodiversity measures is necessary.

18. There is no argument between the parties that the site is located within a designated Coal Mining Referral Area, and a submitted Land Contamination report has also identified the presence of possible land contamination (arsenic) in certain areas of the site. Conditions are therefore necessary in order to ensure that appropriate mitigation measures are carried out, in the interest of the living conditions of future and neighbouring occupiers. I have amended the wording put forward by the Council for clarity. There is exceptional justification for the condition to be a pre-commencement condition and this has been agreed by the appellant. Finally, a condition relating to drainage is necessary to prevent adverse water run-off.

Recommendation

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

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 allowed.

J Whitfield

INSPECTOR

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 following approved plans: PG/01, PG/03, PG/04, PG/05 Rev A, PG/06, PG/07, PG/08, PG/09 Rev A, PG/10, PG/11, PG/12, PG/13, PG/14.
3. The biodiversity mitigation measures set out in the approved plan PG/03 dated 05/04/2019 shall be fully implemented prior to first occupation of the development hereby permitted and retained thereafter for the lifetime of the development hereby permitted.
4. Prior to the commencement of the development hereby permitted the following (and associated report setting out remedial strategy/strategies, together with a timetable of works) shall be submitted to and approved in writing by the Local Planning Authority:
 1. A land contamination assessment;
 2. Intrusive site investigations (which is sufficient to properly assess the ground conditions and the potential risks posed to the development by past coal mining activity); and
 3. Risk assessment.

The Local Planning Authority shall approve such remedial works as required prior to any remediation commencing on site. The works shall be of such a nature as to render harmless the identified contamination given the proposed end-use of the site and surrounding environment including any controlled waters.

5. Prior to occupation of the development hereby permitted:
 - a. Approved remediation works shall be carried out in full on site under a Quality Assurance scheme to demonstrate compliance with the proposed methodology and best practice guidance. If during the works contamination is encountered which has not previously been identified then the additional contamination shall be fully assessed and an appropriate remediation scheme agreed with the Local Planning Authority in writing.
 - b. A completion report shall be submitted to and approved in writing by the Local Planning Authority. The completion report shall include details of the proposed remediation works and Quality Assurance certificates to show that the works have been carried out in full in accordance with the approved methodology.

Details of any post-remedial sampling and analysis to show the site has reached the required clean-up criteria shall be included in the completion report together with the necessary waste transfer documentation detailing what waste materials have been removed from the site.

- c. A certificate signed by the developer shall be submitted to the Local Planning Authority confirming that the appropriate works have been undertaken as detailed in the completion report.
6. No surface water and/or land drainage shall be allowed to connect directly or indirectly with the public sewerage network.
7. The landscaping scheme shown on the approved plan No. PG/03 shall be fully implemented not later than the first planting season following the completion of the development. If at any time during the subsequent five years any tree, shrub or hedge forming part of the scheme shall for any reason die, be removed or felled it shall be replaced with another tree, shrub or hedge of the same species during the next planting season to the satisfaction of the Local Planning Authority.
8. The dwellings hereby permitted shall not be occupied until the parking spaces and turning facilities and garages and access shown on the approved drawings have been constructed, laid out and provided ready for use. The land so provided shall not thereafter be used for any purpose other than for the parking, turning and garaging of vehicles and cycles.
9. The new visibility splays/front boundary shall be defined by a hedge of indigenous species, as shown on drawing number PG/03. The planting shall be fully implemented not later than the planting season following the completion of the development. If at any time during the subsequent five years the hedge shall for any reason die, it shall be replaced with a new hedge of the same species during the next planting season.
10. The boundaries scheme shown on the approved plan No. PG/03 shall be fully implemented prior to the occupation of the development and thereafter permanently maintained.
11. Prior to the commencement of the development hereby permitted, a full surface water drainage scheme shall be submitted to and be 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 development shall be carried out in accordance with the approved details prior to the first occupation of the development hereby permitted.