
Appeal Decision

Site visit made on 24 February 2020 by A J Sutton BA Hons DipTP DMS MRTPI

by David M H Rose BA (Hons) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 31 March 2020

Appeal Ref: APP/P0119/W/19/3242470

120 Highworth Crescent, Yate, BS37 4HW

- 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 Robin Brewer against the decision of South Gloucestershire Council.
 - The application Ref P19/10143/F, dated 31 July 2019, was refused by notice dated 25 September 2019.
 - The development proposed is an attached house.
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Decision

1. The appeal is allowed, and planning permission is granted for an attached house at 120 Highworth Crescent, Yate, BS37 4HW, in accordance with the terms of application Ref P19/10143/F, dated 31 July 2019 and subject to the conditions in the schedule attached to this decision.

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.

Main Issues

3. The main issues are:
 - The effect of the development on the character and appearance of the area; and
 - The effect of the development on the health and well-being of trees.

Reasons for Recommendation

Character and Appearance

4. The appeal site forms part of the corner plot of an end terrace property located in a suburban residential estate. The immediate area of the appeal site generally comprises a similar built form, a limited palette of materials and a broadly common fenestration pattern and as such has a relatively homogenous character. The proposal would have a narrower principal elevation than its neighbours and would lack a front door, but the development would be in keeping with the existing building line, fenestration pattern and materials,

thereby retaining the key characteristics of the immediate setting of the development.

5. The grain of development varies in the wider setting, and there is no common pattern of spacing between the terraces in the immediate area of the appeal site which would be interrupted by the addition of this dwelling.
6. No 120 although not particularly prominent, when viewed in its immediate context, enjoys an unusually spacious front aspect, enhanced by a group of noteworthy trees within a green area at the junction with Brookthorpe. These important features would be unaltered by the proposal.
7. The space which forms the appeal site is unusual in the area and does contribute to a sense of openness. However, the effect is localised and limited to views near the junction of Brookthorpe.
8. Within the vicinity of the appeal site, on Highworth Crescent, there is some variation in the form of end terrace dwellings in that some have been extended and have wider principal elevations. Although the proposed dwelling would be narrower than its counterparts, its overall form and detailing has been informed by the characteristics of the area and it would have sufficient standing so as not to appear out of place.
9. Although the development would fit snugly within the site, its front and rear gardens would not be incompatible in size with those to be found in the locality and the proposed dwelling would retain reasonable separation from its boundary with Brookthorpe. Overall, the resulting pattern of development would not be inconsistent with the layout evident on the other terraced properties immediately near the appeal site.
10. Whilst the proposed development, when viewed from Highworth Crescent, would not be easily legible as a separate dwelling, as a result of its side entrance, this arrangement is not unique locally. Moreover, the proposed dwelling would be perceived as an individual self-contained residential unit when viewed from Brookthorpe and consistent with its wider setting.
11. The development would have provision for separate outside space proportionate to serve the proposed small dwelling and the Council has confirmed that the amenity space would exceed its minimum policy standard. There is nothing to suggest that it would appear out of character with the area.
12. In addition, off-street parking would be provided at the rear of the proposed dwelling consistent with the existing parking arrangements in the locality and as such would not alter the appearance of the area.
13. In summary, the proposed development would not appear at odds with the general pattern and form of development in the locality or give the impression of being cramped. It would therefore accord with elements of Policy CS1 of the South Gloucestershire Local Plan Core Strategy 2013 (Local Plan 2013), which specifically relate to the proposal, and require development to be of the highest possible standard of design and site planning, which respect and enhance the character of both the site and its context.
14. The proposal would also accord with pertinent elements of Policies CS16 and CS17 of the Local Plan 2013 which amongst other matters, require housing development to make efficient use of land, maximising housing supply which is

informed by the character of the local area, with buildings on gardens being allowed where it would not adversely affect the character of the area and where each home has adequate private outdoor space.

15. Nor would the proposal be contrary to Policies PSP5 and PSP38 of the South Gloucestershire Local Plan: Policies, Sites and Places Plan 2017 (Local Plan 2017) in so far as they allow development of undesignated open space if it does not adversely affect the quality, character and distinctiveness of the locality and development within existing residential curtilages including new dwellings where they respect the building line, form, scale, proportions, windows, architectural style/detailing and external materials of the street and surrounding area and would not prejudice the provision of adequate amenity space.
16. Furthermore, the development would not be contrary to the National Planning Policy Framework which seeks developments that are sympathetic to local character and promotes the efficient use of land in meeting the need for homes while safeguarding the environment, taking into account the desirability of maintaining an area's prevailing character and setting (including residential gardens).

Health and Well-being of Trees

17. I saw at my site visit that the trees in the public green space which fronts the appeal site and No 120 enhance the street scene.
18. One of the trees is close to the footpath which fronts No 120, and its canopy overhangs the front garden of the property and part of the appeal site. Although the appellant has not submitted an arboricultural survey, the proposed dwelling would be further away from the trunk of the tree than the existing dwelling. The appellant has also explained that the development would be unlikely to encroach on the root protection area (RPA) of the tree.
19. Given the scale and position of the proposed dwelling relative to the nearest tree, I observed nothing on the site visit and have no evidence before me which would lead me to conclude that the development would be likely to affect the health and well-being of this or any other tree.
20. However, it might be the case that certain activities during construction, for example the storage of materials, siting of amenity facilities, or the mixing and washing of cement-based products could have an influence on the future well-being of the nearest tree. I have had regard for the Council's concern about this matter. I also note the information submitted by the appellant which has been guided by BS5837:2012 and appears to provide a conservative estimate of the extent of the (RPA). As such, I am satisfied that this matter could be mitigated by a condition requiring agreement and implementation of a tree protection plan.
21. The proposal would therefore not have an adverse impact on the health and well-being of the trees and is not contrary to Policies CS1 and CS9 the Local Plan 2013 which require, in particular, development proposals to demonstrate that existing features of landscape and amenity value are safeguarded and will be expected to conserve and enhance the character quality, distinctiveness and amenity of the landscape. The proposal would also not be contrary to Policy

PSP3 of the Local Plan 2017 which requires development proposals where appropriate to protect trees.

22. Policy PSP2 of the Local Plan 2017 is referenced in the decision notice, however a copy of the policy was not submitted and therefore has not informed this decision.

Other Matters

23. I have had regard for the appeal decisions highlighted by both parties in reaching this decision. In the case of No 106 Harescombe, I note that the design of that proposal and the character of the area differ from the circumstances before me notably in respect of consistency of design and the relationship with the plot boundary. With regards to 22 Earlstone Close, its design as a subservient extension contrasts with the appeal proposal which takes the form of an individual attached dwelling.
24. In summary the proposals and sites subject of these appeal decisions are distinctly different from the proposal before me and therefore I attach limited weight to these decisions in this case.
25. The site visit was conducted mid-morning and it is appreciated that the pressure for on-street parking spaces would be greater in the evening and at weekends. However, the proposed parking provision is considered acceptable by the Council, and in accordance with its parking standards in Policy PSP16 of the Local Plan 2017. Taking account of the nature and scale of the development, I observe nothing which would lead me to dispute this conclusion.

Conditions

26. In addition to the statutory requirement to impose a time-limit within which the development must be started, and to ensure that the development is undertaken in accordance with the approved plans for certainty, the Council has requested additional conditions.
27. I do not consider it necessary for external surface materials to be approved prior to the commencement of development as this matter can adequately be addressed by requiring materials match those of the existing dwelling to protect the character and appearance of the area.
28. It is necessary, however, to attach conditions for:
- parking provision prior to occupation of the dwelling in the interest of ensuring adequate off-street parking; and
 - the parking area to be constructed in permeable materials ensuring an appropriate surface and approval of the boundary treatment in the interest of highway visibility and public safety.
29. A condition related to tree protection during the construction of the development is also necessary to safeguard the character and appearance of the area.

Conclusion and Recommendation

30. For the reasons outlined above, and having regard to all other matters raised, I recommend that the appeal should be allowed.

A J Sutton

APPEAL PLANNING OFFICER

Inspector's Decision

31. I have considered all the submitted evidence and concur that the appeal should be allowed.

David MH Rose

INSPECTOR

Schedule of Conditions:

- 1) The development hereby permitted shall begin not 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:
Location Plan Drawing Number 3166/4;
Existing Site Plan Drawing Number 3166/1;
Proposed Site Plan Rev B Drawing Number 3166/2; and
Proposed Plans and Elevations Rev A Drawing Number 3166/3.
- 3) The materials to be used in the construction of the external surfaces of the development hereby permitted shall match those used at 120 Highworth Crescent.
- 4) Prior to the occupation of the dwelling hereby approved, off-street parking provision, as shown on the approved plans shall be provided and thereafter retained.
- 5) Off-street parking provision as shown on the approved plans shall be constructed from a hard-bound permeable material and retained thereafter.
- 6) Prior to the occupation of the dwelling hereby approved, details of proposed boundary treatments shall be submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details.
- 7) No works shall commence before a tree protection plan, which shall include a scheme for the erection of protective fencing, including type and location, has been submitted to and approved in writing by the local planning authority. The fencing shall be erected in accordance with the approved details before any equipment, machinery or materials are brought onto the site for the purposes of the development, and shall be maintained until all equipment, machinery and surplus materials have been removed from the site. Nothing shall be stored or placed within any fenced area, and the ground levels within those areas shall not be altered, nor shall any excavation be made, without the prior written consent of the local planning authority.