



Appeal Decision

Site visit made on 20 January 2020 by Ben Phillips Bsc Msc

Decision by R C Kirby BA(Hons) DipTP MRTPI

An Inspector appointed by the Secretary of State

Decision date: 7 April 2020

Appeal Ref: APP/P0119/W/19/3239282

15 Mercier Close, Yate, BS37 7RA

- 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 Duncan Holley (Built Square) against the decision of South Gloucestershire Council.
 - The application Ref P19/2481/F, dated 3 March 2019, was refused by notice dated 8 May 2019.
 - The development proposed is described as the sub-division of existing dwelling to form 2 No. dwellings and associated works.
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Decision

1. The appeal is allowed, and planning permission is granted for the Sub-division of existing dwelling to form 2 No. dwellings and associated works at 15 Mercier Close, Yate, BS37 7RA in accordance with the terms of the application, Ref P19/2481/F, dated 3 March 2019, subject to the following conditions:
 - 1) The development hereby permitted shall begin no later than three years from the date of this decision.
 - 2) The development hereby permitted shall be carried out in accordance with the following approved plans: 01 B, 04 A and 05 A.

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.

Preliminary Matters

3. The description of development set out above, is taken from part E of the appeal form/appeal documents and the decision notice of the Council, in the interests of clarity.
4. The appellant has submitted drawings with the appeal which were not considered by the Council when it determined the planning application. These drawings show the existing garage demolished and 3 car parking spaces proposed to the rear of the dwellings, amongst other matters. My consideration of these drawings would deprive those who should have been consulted of the change that opportunity. Thus, I have considered the appeal on the basis of the drawings that the Council considered when it determined the application.

Main Issue

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

Reasons for Recommendation

6. Mercier Close is a quiet, residential cul de sac formed of three parallel terraces of two storey dwellings of similar appearance, with gardens front and rear, with some detached garages to the rear. The appeal site comprises of an end terrace unit, which has been extended by a two storey side extension.
7. The proposal involves the subdivision of the property to create a 3 bedroom unit, and a 1 bedroom unit. The 1 one bedroom unit would be created in the side extension to No 15. The separate residential uses would result in no changes to the external appearance of the building, save for the replacement of 2 windows with doors within the rear elevation. Although a new curtilage would be provided to the respective dwellings with refuse storage within, this would be unlikely to be noticeable from the street scene because the rear boundary treatments would be screened by the existing tall boundary wall, and the front boundaries would remain open plan to reflect the appearance of the locality. Moreover, the garden areas that would be provided to the respective dwellings, would reflect the size of gardens in the locality and would allow the respective occupiers space to sit outside their dwellings.
8. The Council has made reference to the proposed one bedroom unit falling below the minimum size for such units set out in the Nationally Described Space Standards, however acknowledges that there are no development plan policies requiring such standards to be adhered to. This unit has a kitchen and living room on the ground floor, and a bedroom and a bathroom on the first floor. Each of these rooms appears large enough for furniture and equipment to suit the likely day to day needs of the intended future occupiers and provide them with a high standard of amenity. This matter is not a determining factor in this case.
9. In light of the foregoing, whilst the proposal would result in the dwelling within the extension being narrower than nearby development in the cul-de-sac, the change that would result to the character and appearance of the area as a result would be unlikely to be discernible. Moreover, the proposal would utilise an existing building, which has previously been found to be acceptable by the Council. It would also make a small contribution towards supporting mixed communities in a sustainable location and supporting the Government's objective of significantly boosting the supply of homes.
10. In light of the foregoing I conclude that the proposal would not be harmful to the character or appearance of this residential area. The proposal accords with Policies CS1, CS16 and CS17 of the South Gloucestershire Local Plan Core Strategy 2006 – 2027 (CS) and Policy PSP1 of the South Gloucestershire Local Plan Policies, Sites and Places Plan (PSPP), which collectively require development to achieve a high standard of design which is informed by and respects local character, and provide a wide range of housing type and size. The proposal would also comply with the National Planning Policy Framework which, amongst other matters, requires development to be sympathetic to local character.

Other Matters

11. The existing dwelling has a double garage within which to park vehicles. Although the Council consider that the double garage falls below its size standards for the parking of 2 vehicles, it acknowledges that as long as the new 1 bedroom unit was provided with 1 off road car parking space, the proposal would have no greater impacts in parking terms than the current arrangements.
12. In this regard, the submitted drawings show that the garage would be retained for car parking and that 1 space would be provided within Mercer Close, in the layby to the side of the property's front garden. Whilst such an arrangement would conflict with the parking standards set out within PSPP Policy PSP16, it appeared from my observations that whilst there were a number of vehicles parked within the highway, enough space remained for vehicles to pass safely. The demand on on-street parking that the proposal would generate would be limited. Accordingly, in this regard and on the basis of the evidence before me I find that the shortfall in parking provision would be unlikely to result in harm to highway safety in the area. The appeal does not fall on this matter.
13. Concern is raised about a buried heating tank for the property. The Council considered that the proposal would have no material impact on this feature, and on the basis of the evidence before me, I have no reason to find differently in this regard.

Conditions

14. In addition to the standard time limit condition, the Council has suggested that I impose a condition requiring an external on-site car parking space to be provided in the event that the appeal is allowed. Given my findings above in respect of on-street parking and highway safety, I consider that such a condition is not necessary in this case.
15. The appellant has suggested that I consider the drawings that the Council determined the planning application against. Whilst the Council has not suggested a compliance with the approved drawings condition, I consider that such a condition is necessary to make it clear what has been approved. The appellant will not be prejudiced in this regard.

Recommendation

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

B Phillips

APPEAL PLANNING OFFICER

Inspector's Decision

17. I have considered all the submitted evidence and the Appeal Planning Officer's report and on that basis the appeal is allowed, with the suggested conditions.

RC Kirby

INSPECTOR