



Appeal Decision

Site visit made on 17 March 2020

by B Davies MSc FGS CGeol

an Inspector appointed by the Secretary of State

Decision date: 24 April 2020

Appeal Ref: APP/P1615/W/19/3242118

The Old Vicarage, Newnham on Severn, Gloucestershire, GL14 1BY

- 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 Simon Wendland against the decision of the Forest of Dean District Council.
 - The application Ref P0658/19/FUL, dated 25 April 2019, was refused by notice dated 18 July 2019.
 - The development proposed is described as 'the conversion of garage building to residential dwelling'.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. A late submission from a third party was accepted on the basis that they had not received the original consultation. Both parties have had the opportunity to respond to this.
3. I am in some doubt that the description of the development as 'conversion of garage... to residential dwelling' is strictly accurate. Planning permission for a garage building and workshop was granted in 2017¹, and a structure said to be the implementation of that permission is the building now proposed for conversion to a dwelling. However, the existing structure does not appear to me to be substantially complete, and the Council has indicated concern that it does not comply with the approved plans. Until a building has been substantially completed it cannot be affirmatively established that the structure does in fact benefit from the planning permission. Nonetheless, given that the structure on site could be completed in accordance with the 2017 permission, I consider that a pragmatic approach is appropriate, and I shall deal with the proposal as it has been put.

Main Issues

4. The main issues are the effect of the proposals on:
 - The living conditions of future occupants in terms of amenity space;
 - The character and appearance of the area.

¹ P0463/17/FUL (May 2017)

Reasons

5. The site is within the settlement boundary of the 'major village' of Newnham and the northern part of the site is within the Newnham Conservation Area. It is located at the rear of long gardens associated with a row of listed buildings fronting the main street and otherwise surrounded by the rear elevations and gardens of a modern housing estate. This backland area is mainly hard surfaced and enclosed by trees and fencing. At the opposite end, beyond the site boundary, the space is shared with an unfinished building of similar style to that currently proposed, which at the time of the site visit was also used for parking and storage. Access to the site is via a fenced lane running between Nos 19 and 20 of the Queens Acre estate.

Living Conditions

6. Details of the recommendations for living standards are in the Forest of Dean Residential Design Guide (RDG) (adopted 1998). In line with paragraph 130 of the National Planning Policy Framework (2019), this advice attracts weight, albeit it is now aged and only to the extent that it is in line with the objectives of the Framework.
7. The appellant calculates that the proposal would deliver 93 m² of usable outdoor area, compared to the recommendation in the RDG that gardens should average 100 m² per family dwelling on the private side of the house. Paragraph 127 of the Framework requires development has 'a high standard of amenity for future users' but is not more specific than this. I am therefore satisfied that the allowance can be reduced on the basis that this is not a substantial family dwelling and there is easy access to green space locally.
8. However, much of the 'usable' area would not be private. The side garden and opposite border would be overlooked by the first-floor windows of Nos 20 and 21 Queens Acre about 10 m away, albeit a large tree and fence currently offer some cover. Based on observations at the site visit only the small area immediately in front of the house would be private, and then only if surrounded by high fencing. The extent of private amenity space on offer is therefore substantially below the recommendations.
9. In addition, the private space would be adjacent to the neighbour's garage, over which it has no control, and the wider area is shared with the garage/storage building at the other end of the plot, which would significantly reduce the amenity value of the space.
10. The area of private space would be substantially less than the guidelines, and the poor standard of amenity provided would not provide satisfactory living conditions for future residents, in conflict with Policy AP4 of the Forest of Dean District Council, Allocations Plan 2006 to 2026 (adopted 2018), which requires that development be of high quality and respects the amenity of residents and others.

Character and Appearance

11. The site is on the edge of the historic core of Newnham but is not visible from the public domain and does not interrupt the setting of listed buildings. No concerns are raised regarding the effect on the Conservation Area by the Council, so I have not considered this further. Given the setting, I consider it is most appropriate to compare the character and appearance of the development

with the surrounding modern estate, and the fringe between this and the historical core.

12. The settlement pattern associated with the residential estate is a series of predominantly two-storey semi-detached and detached houses fronting quiet roads and cul-de-sacs. There is an open feel to the estate created by large gaps between houses and green landscaping. In the main, the estate has been carefully designed to avoid direct overlooking of neighbouring buildings. Development in the narrow fringe between the historic core and modern estate is more ad hoc and is infilled with a small number of properties accessed by private drives. The principle of this fringe being domesticised and accessed via lanes is therefore established. However, these properties differ from the current proposal in appearing to be substantial, detached properties in large plots designed to be side-on to the nearest buildings, rather than directly facing the neighbouring windows. The development would therefore not respect the prevailing rhythm of domestic development locally and would not maintain or enhance local character, contrary to Policy CSP.1 of the Forest of Dean District Council: Core Strategy (adopted 2012) ("CS"), which requires that the design of development should maintain and enhance important characteristics of the environment.
13. I give some weight to the benefit of densification of housing in line with paragraph 127 of the Framework and the RDG, which encourage intensive use of sites within walking distance of town centres. So far as the proposal would involve increased density of development it would be consistent with Policy CSP.4 of the CS, which seeks to control the pattern of development in settlements.
14. Although I find there would be a small benefit from densification of housing in line with Policy CSP.4, this does not outweigh the significant harm to character and appearance of the area, in conflict with Policy CSP.1.

Other Matters

15. Given the recently reported shortfall of delivered houses locally, there would be benefit from an additional dwelling, albeit limited. However, the harm I have identified above is not outweighed by the addition of a single house to local supply.
16. An interested party raises a reasonable concern regarding the disadvantage to the area of hosting an incomplete structure for a long period of time. However, this state of affairs should be temporary and does not outweigh the fundamental requirement that development should be suitable for the area, in line with local policies.

Conclusions

17. For these reasons I consider that the proposal conflicts with the development plan, read as a whole. Since there are not material considerations to outweigh that conflict, the appeal must be dismissed.

B Davies, INSPECTOR