
Appeal Decision

Site visit made on 1 June 2020 by A J Sutton BA Hons DipTP MRTPI

by Zoe Raygen Dip URP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 05 June 2020

Appeal Ref: APP/P1615/W/20/3247082

43 Buckshaft Road, Cinderford, Gloucestershire, GL14 3DS

- 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 Mrs Lesley Phelps against the decision of Forest of Dean District Council.
 - The application Ref P1132/19/FUL, not dated, was refused by notice dated 10 September 2019.
 - The development proposed is described as 'demolition of concrete structure – car parking and garage storage on 2 levels – proposed 2 bed bungalow – new dwelling.'
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Decision

1. The appeal is dismissed.

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:
 - whether the proposal would provide satisfactory living conditions for future residents, with particular regard to provision of garden space and privacy;
 - the effect of the development on the character and appearance of the area; and
 - the effect of the use of the proposed access on the safety of those using Buckshaft Road.

Reasons for Recommendation

4. The appeal site is a plot of land situated at the front of an existing semi-detached dwelling. The site includes a disused garage, and, at the time of my site visit, was surrounded by overgrown vegetation, a static caravan and discarded rubbish. It is set west of Buckshaft Road, on a steep hill with views over the fringes of the Forest of Dean. The surrounding residential area forms the edge of the settlement of Cinderford.

5. Development in the area has evolved overtime and comprises a mix of dwelling designs and plot sizes. To the south of the site there are a number of bungalows which appear set forward of older two-storey dwellings situated lower down the hillside. The garden area of No 39 to the north of the appeal site is undeveloped.
6. The proposed development would replace the existing garage with a new single storey dwelling with off-street parking fronting Buckshaft Road and small areas of outdoor space surrounding the dwelling.
7. Planning permission has been granted for an extension to No 43 which includes a driveway which would be located along the northern boundary of the proposed development¹. Consent was granted in 2017 and I observed no evidence, when conducting the site visit, that works had commenced. However, it is an extant planning permission, I have nothing before me which would lead me to conclude that the consent would not be implemented, and as such, I have attached appropriate weight to this matter in reaching this recommendation.
8. Policy CSP.4 of the Forest of Dean District Council Core Strategy 2012 (Core Strategy) states that new development must contribute to reinforcing the existing settlement pattern in a manner which emphasises the importance of towns, especially Lydney and Cinderford where most change will take place. As such the principle of the proposed development is not in dispute.

Living Conditions

9. Although the proposed dwelling would be small it would have scope to accommodate a family. Indeed, the appellant makes reference to a family sized garden.
10. The Forest of Dean Residential Design Guide Supplementary Planning Guidance 1998 (SPG) advises that new dwellings should have a site layout that would result in gardens averaging 100 m² per family dwelling on the private side of the house to the rear of the plot. I have had regard to the calculations submitted by the appellant and note the majority of the outdoor space would be positioned to the north of the dwelling.
11. I note the comments of the appellant regarding overlooking. However, from my observations on site it is apparent that the outdoor area and elevation of the dwelling on the north of the site, would be overlooked by users of the driveway of No 43, particularly at the shared access, and to some extent by pedestrians on Buckshaft Road.
12. Whilst I note the made footpath ends at the entrance of No 39, the appeal site can be viewed from the footpath on the eastern side of Buckshaft Road. Furthermore, the gradient of the site and level of the driveway to No 43 would not adequately resolve any lack of privacy identified. Nor would the proposed boundary treatment, due to its limited height, prevent the northern elevation and outdoor space being viewed from the top area of the driveway.
13. The outdoor area on the western boundary would be afforded a greater degree of privacy, as views to this and the southern elevation of the dwelling, would not be substantially overlooked by occupiers of No 41a, given the position and

¹ P1010/17/FUL (the 2017 consent)

size of the window on the neighbouring property and the existing and proposed boundary treatments. Nor would the western garden space be easily viewed from the parking area of No 43 which would be set lower and screened by the proposed 6ft fence. However, these areas would be narrow corridor like spaces which would constrain future uses and activities.

14. In summary, although noting the advisory nature of the SPG, the provision of private outdoor space would be substantially below that advised to ensure a reasonable quality of life for future occupants of the proposed dwelling. Furthermore, future occupants would not enjoy a sense of privacy when using rooms on the northern elevation of the dwelling.
15. It is concluded that the proposal would have an unacceptable level of useable garden space and would be overlooked. It would therefore be contrary to Policy AP.4 of the Allocations Plan which states that new development will be expected to be of a high quality design... It should do this where appropriate by being visually attractive, employing good architecture and landscaping which respects the amenity of residents or others.
16. The proposal would also be contrary to the SPG, which advises when planning site layouts that, amongst other matters, on a pattern which results in gardens on the private side of the house.
17. Furthermore, the proposal would be contrary to the National Planning Policy Framework (Framework) which states decisions should ensure that development, amongst other matters, create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users.
18. Policy CSP.1 of the Core Strategy, referenced on the decision notice, relates to matters of design, environmental protection and enhancement. It is silent on the matter of potential effects of development on living conditions and therefore has not been decisive in the consideration of this issue.

Character and Appearance

19. The Council states that the proposal is of a design which would not be dissimilar to existing bungalows close to the appeal site. The frontage of the development would be somewhat narrower than other dwellings, however the addition of such a dwelling would not materially alter the character of the area where the built form lacks uniformity. Furthermore, the proposed position of the dwelling would continue the evolving pattern of development close to the appeal site and, as such, would not harm the existing character of the area.
20. Although the plot is smaller than neighbouring properties, this would not in itself result in the dwelling dominating the site, given the scale of the proposed built footprint, which would be correspondingly small and therefore proportionate to the plot size. Nor would the small plot size appear incongruous in an area which has been subject to considerable incremental development that has resulted in an uneven development pattern.
21. Spacing between existing dwellings to the south is irregular. I note that the approved driveway for No 43 would maintain space with the boundary of No 39. Therefore, the development would neither appear overly cramped or enclosed, but would be seen as a continuation of a similar existing form of

- development to that south of the appeal property on the west side of Buckshaft Road.
22. The appeal site and the neighbouring property to the north provide a sense of openness in the area. However, taking account of the low profile of the proposed dwelling which would be set in the hillside and the approved driveway at No 43, the proposed development would not result in a substantial loss of this openness.
 23. Furthermore, the development would result in clearance of overgrown vegetation and removal of derelict structures and would materially improve the character of the immediate area.
 24. Therefore, I conclude that the proposed dwelling would not dominate the site or have an adverse impact on the character and appearance of the area. As such it would not be contrary to Policy CSP.1 of the Core Strategy which states the design and construction of new development must take into account important characteristics of the environment and conserve, preserve or otherwise respect them in a manner that maintains or enhances their contribution to the environment including the wider context.
 25. Nor would the proposal be contrary to Policy AP.1 of the Forest of Dean District Council Allocations Plan 2018 (Allocations Plan) which states that in assessing planning applications the primary consideration will be whether or not the development proposed is sustainable with the overall aim of improving economic, social and environmental conditions of the area.
 26. Furthermore, the proposal would not be contrary to Policy AP.4 of Allocations Plan which states, amongst other matters, new development will be expected to be of a high-quality design making a positive contribution to the design quality of the area in which it is proposed.
 27. The proposal would also not be contrary to the Framework which highlights that good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities.

Safe Access

28. The proposed development would result in a shared vehicular access to the highway with No 43. I note that the proposal would not amend the plans for the driveway to No 43, which includes the erection of a 6ft fence on the boundary with No 39, approved under the 2017 consent. I note also that the approved plans do not make provision for a tapered access on to the public highway to the north.
29. Buckshaft Road, near the appeal site, is straight, set in a quiet residential area with little scope for through traffic. I have nothing conclusive before me from either party to confirm that the 'deemed to satisfy visibility standards'² could be achieved at the access to the appeal site. However, based on observation during the site visit, I note that to the north and south vehicle users would be afforded a degree of visibility which would allow vehicles to move safely on to

² As advised in the Gloucestershire County Council Highways Development Management Standing Advice – Technical Note Proposed or Existing Residential Development – 5 dwellings or less (Technical Note)

- the public highway, given the character of road outlined above and the presence of the verge.
30. The removal of the existing garage and the proposed set back position of the new dwelling and parking area would materially improve visibility of the highway to the south.
 31. The proposal would not wholly satisfy the guidance set out in the Technical Note in respect of securing a standard access advised for this type of development. However, the Technical Note sets out best practice to ensure highway safety. In this instance, the specific site conditions mean that the proposal, for the reasons outlined above, would not result in a vehicular access which would be materially unsafe.
 32. It is therefore concluded that the proposed development would provide safe and suitable access arrangements and would not be contrary to Policy CSP.1 of the Core Strategy which amongst other matters requires the consideration of whether the existing infrastructure is adequate, stating, additional provision will be required where it is not.
 33. The proposal would also not be contrary to Policy AP.4 of Allocations Plan which states new development will be expected to be of a high quality design... adopting an inclusive approach to produce safe and accessible environments that will embrace the needs of all different groups in the community.
 34. Furthermore, the proposal would not be contrary to the Framework which states in assessing specific applications for development it should be ensured that safe and suitable access can be achieved for all users.

Other Matters

35. I have had regard to the examples of other developments on Ruspidge Road and Buckshaft Road. Both developments have similarities with the proposal before me, however, I have already found that the proposal would not be harmful to the character and appearance of the area or highway safety. I am unable to ascertain from the photographs, the specific site conditions relating to garden space and therefore am unable to assess whether they provide a meaningful comparison. Therefore, the specific matters individual to the proposal before me, as outlined above, have been decisive in making this recommendation.

Balancing and Conclusion

36. The proposal to provide one dwelling within an accessible location would contribute to the Government's aim of significantly boosting the supply of homes. Furthermore, future residents would contribute to the local economy. However, the benefits would be limited based on the single dwelling proposed.
37. The improvement to the visual appearance of the area would weigh in favour of the proposal. The lack of harm to highway safety would be neutral in the planning balance.
38. However, the provision of unsatisfactory living conditions would be significantly harmful for future residents' quality of life contrary to Policy AP.4 of the Allocations Plan.

39. Consequently, in this instance, the proposal would be in conflict with the development plan as a whole. The material considerations either individually or cumulatively in this case do not indicate a recommendation other than in accordance with the development plan.

Recommendation

40. For the reasons outlined above, and having regard to all other matters raised, it is recommended that the appeal should be dismissed.

A J Sutton

APPEAL PLANNING OFFICER

Inspector's Decision

41. I have considered all the submitted evidence and concur that the appeal should be dismissed.

Zoe Raygen

INSPECTOR