



Appeal Decision

Site visit made on 2 July 2020

by B Davies MSc FGS CGeol

an Inspector appointed by the Secretary of State

Decision date: 27 July 2020

Appeal Ref: APP/G1630/W/20/3250607

Land south of B4077, Toddington, Gloucestershire

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant consent, agreement or approval to details required by a condition of a planning permission.
 - The appeal is made by Newland Homes Ltd against the decision of Tewkesbury Borough Council.
 - The application Ref 19/00097/CONDIS, dated 02 July 2019, sought approval of details pursuant to condition No 10 of a planning permission Ref 15/00394/OUT, granted on 11 November 2016.
 - The application was refused by notice dated 31 March 2020.
 - The development proposed is outline planning application for the erection of up to 33 dwellings and associated works with all matters reserved for future consideration with the exception of access.
 - The details for which approval is sought are: Condition 10 (External Lighting).
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Decision

1. The appeal is dismissed.

Main issues

2. The main issues are whether the proposal would have an adverse effect on:
 - The character and appearance of the area;
 - The living conditions of the occupiers of existing neighbouring properties with particular respect to visual amenity.

Reasons

3. The site is a recently occupied housing estate on the southern side of the B4077. The estate comprises 4 short lanes, the 3 on the west of which are lined with large, detached houses. The lane on the east is lined with more densely packed semi-detached properties. A short ribbon of older semi-detached houses line the opposite side of the B4077 and face the new estate. The settlement is surrounded by hedged, agricultural fields and is within a Special Landscape Area, which means it is recognised as high quality countryside of local significance.
4. The lighting was observed at the site visit to comprise short, lamp post style carriage lights at the front of each garden associated with a detached house. Two also lined the extended driveway to Plot 1, facing the B4077. Each detached house was also observed to have a wall mounted carriage light on

either side of the doorway and several had additional lights to the side of the house, some of which faced the B4077. Each semi-detached house on the easterly lane had a single porch light. My observation at the site visit was that the configuration of lighting broadly matches Drawing 231-35.

5. It is a matter of common ground that the effect on ecology from the proposal is acceptable. This is on the basis that the Lighting Statement provided by the ecologists Clarksons and Woods has been accepted by the Council's ecologist. I note that the Parish Council maintain their objection because of the potential effect on bats, but I must base my decision on the evidence before me.
6. Since the original decision, the Gloucester, Cheltenham and Tewkesbury Joint Core Strategy (2011-2031)(JCS) was adopted (December 2017). Policy LND2 of the Tewkesbury Borough Local Plan to 2011 (adopted 2006)(TBLP) has been saved and is therefore still relevant.

Character and appearance of the area

7. The installed lighting is prolific when compared to the prevailing character of minimal lighting in the wider area, including the houses on the opposite side of the B4077. I have taken into consideration that bulbs are of low luminosity and that motion sensors could be retrofitted, but given the excessive number of lamps, the proposed scheme is not in keeping with the character of the area.
8. I appreciate that the standing lamps are not technically street lighting because they could not be adopted by the Council. However, their configuration in lines down the side of each roads, means that overall they do have the character of street lights when viewed in both daylight and at night, which in style is more akin to those found in suburban areas and therefore not in keeping with a rural locality.
9. The proposed lighting contour plans suggest that there would be no light spill above 2 m, which means that harm to the intrinsically dark countryside of the Special Landscape Area and adjacent Cotswolds AONB would be minimal. However, the Cotswold Conservation Board describes the impact of artificial light in these areas as insidious and, in introducing multiple dots of light for each house, the scheme is not in keeping with the intention of policies to protect these important landscapes, in particular Policy SD14, which states that development should protect and improve environmental quality, stressing the requirement to avoid impact from artificial light on intrinsically dark landscapes.
10. Saved Policy LND2 of the TBLP and Policy SD6 together require that special attention must be accorded to the protection of the Special Landscape Area and for the reasons above, the proposals do not meet the requirements of this policy.

Living conditions of neighbours

11. At the site visit, I observed that the hedge along the B4077 was constantly lit up by Plot 1 driveway lights and that the light spill reached at least the centre of the main road. The neighbours have also drawn my attention to external wall lights that shed light onto several existing semi-detached houses on the opposite side of the road, although these were not in use at the time of my site visit.

12. The proposed lighting contour plans suggest that the mitigation measures would reduce the light spill to a more acceptable level. However, since the original application, the EHO has had the opportunity to visit the site and has advised that retrofitted measures would not be sufficient to prevent overspill of light, nor to protect nearby residential amenity.
13. The glare of lights contrasted against a backdrop of an intrinsically dark landscape, even if dim, downlit and intermittent, would cause harm to the visual amenity of the existing neighbours. It is suggested that residents can use window coverings during the hours of darkness. Given the rural location, I consider that the residents have a reasonable expectation of being able to view the night sky from their windows without significant interruption and that this does not provide a satisfactory solution.
14. Policy SD14 states that new development must not cause unacceptable harm to local amenity through unacceptable levels of light and I find that, for the reasons above, the proposal conflicts with this.

Conclusions

15. It is entirely reasonable that residents of the new estate benefit from provision of lighting for safety and security, and through proposals to retrofit motion sensor, dimmer bulbs and downward lighting, the appellant has made every effort to reduce the impact of this on the environment. However, I consider that the number of lights is excessive for this purpose and in configuration out of keeping with the character of the area. In addition, the lights along the main road harm the visual amenity of the neighbours, having an adverse impact on their living conditions.
16. For the reasons above, and having had regard to all other matters raised, I conclude that the appeal should be dismissed.

B Davies

INSPECTOR