



Appeal Decision

Site visit made on 13 July 2020 by A J Sutton BA Hons DipTP MRTPI

by R C Kirby BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 13th August 2020

Appeal Ref: APP/G1630/W/20/3251553

41 Swallow Crescent, Innsworth, Gloucester, GL3 1BW

- 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 V Reese against the decision of Tewkesbury Borough Council.
 - The application Ref 20/00080/FUL, dated 24 January 2020, was refused by notice dated 20 March 2020.
 - The development proposed is described as 'construction of detached 2-bed dwelling. (Revised scheme following refusal of application 19/00506/FUL)'
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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.

Procedural Matters

3. Planning Permission has been granted for a pair of semi-detached dwellings at the rear of the appeal site fronting Thompson Way¹(2018 consent). The development did not appear to have commenced at the time of the site visit. However, the permission is extant, and I have nothing before me to suggest that the development would not be carried out.
4. The decision notice references emerging policies of the Tewkesbury Borough Plan 2011-2031 which was approved for submission in 2019 (Pre-Submission Plan). However, as there may be unresolved objections to its policies, which may yet change prior to being formally adopted, I afford the emerging policies limited weight.

Main Issues

5. The main issues are the effect of the proposed development on:
 - the character and appearance of the area; and
 - the living conditions of the intended future occupiers of the dwelling with particular regard to outlook.

¹ Ref 18/00760/FUL

Reasons for Recommendation

6. The appeal site is a small corner plot at the junction of Swallow Crescent and Thompson Way and forms part of the garden of No 41. It is in a residential area, principally comprising semi-detached properties with private gardens to the rear. The grain of development is fairly loose near the site, and generally with a sense of space between paired dwellings both on Swallow Crescent and Thompson Way.

Character and Appearance

7. The design of the proposed dwelling would reflect some of the architectural features of neighbouring dwellings in respect to roof form, details and materials. However, the development would introduce a detached dwelling in a prominent corner location characterised by semi-detached dwellings.
8. It would interrupt the general uniformity of existing development on Swallow Crescent, substantially reducing the sense of space at the junction. Furthermore, the narrow elevation would result in a conspicuously different built form in a prominent location. As such it would not positively contribute to the appearance of the street scene and would not be in keeping with the prevailing character. The harmful effect would not be sufficiently resolved by proposed landscaping.
9. The main entrance to the dwelling would front Thompson Way. I consider that the proposed fenestration pattern would be unbalanced on this elevation and would be distinctly different to the appearance of existing semi-detached dwellings on the south side of the road. The contrast would be more evident if or when the permitted development, subject of the 2018 consent, is completed. As such it would appear a visibly incongruous form of development which would not harmonise with the character of the area.
10. It is therefore concluded that the proposed development would have an adverse effect on the character and appearance of the street scene. It would be contrary to Policy SD4 of the Gloucester, Cheltenham and Tewkesbury Joint Core Strategy 2017 (JCS) which states new development should respond positively to, and respect the character of, the site and its setting. Although not decisive to the recommendation, it would also conflict with emerging Policy RES5 of the Pre-Submission Plan which amongst other matters requires development to respect the character and appearance of the surrounding area.
11. Moreover, the proposal is inconsistent with the design aims of the National Planning Policy Framework (Framework) and the National Design Guide.

Living Conditions

12. The proposed private garden would be small but commensurate with the size of the dwelling. The outlook from the proposed patio doors and first floor windows, which serve habitable rooms, on the side elevation and the private garden space would be relatively open given the current site situation.
13. However, in the eventuality the approved semi-detached dwellings are constructed, the outlook from these aspects would be predominantly of an expanse of wall closely positioned to the proposed dwelling. Furthermore, the small private garden would be substantially enclosed by the two-storey elevation of the neighbouring dwelling.

14. As a result, the occupants of the proposed dwellings would have a sense of feeling hemmed in when using the garden and looking out of the bedroom and living room windows. As such the dwelling and garden space would be less pleasant to use. The effect would be sufficiently harmful to adversely affect future occupants' quality of life.
15. Both parties indicate in their submissions that the outlook from the side elevation and the private garden would be the side elevation of the neighbouring dwelling approved under the 2018 consent. Therefore, it is not unreasonable to consider this a high probability and I have attached weight to this matter accordingly.
16. In light of the above, the outlook from the habitable rooms on the side elevation and when in the garden of the proposed dwelling would not be of a quality sufficient to ensure future occupants pleasant and enjoyable living conditions.
17. It is therefore concluded that the proposal would not result in acceptable living conditions for future occupiers of the dwelling with regards to outlook. It would be contrary to Policy SD14 of the JCS which states amongst other matters that new development should not create conditions that could impact on human health. Although not decisive to the recommendation, it would also be inconsistent with emerging policy RES5 of the Pre-Submission Plan, which states that proposals should provide an adequate level of amenity for future occupiers of the proposed dwelling. The proposal also conflicts with the Framework which requires that places are created which promote health and well-being, with a high standard of amenity for existing and future users.

Other Matters

18. I note that this is a revised scheme, there has not been a material change in policy and similar aspects of the earlier scheme were not previously highlighted as harmful. However, I have considered the scheme before me and concluded that it would be harmful to the character of the area and the living conditions of future occupants for the reasons outlined above.
19. I have had regard for other examples of detached dwellings, forming infill development, in the wider residential estate. Whilst in corner positions, they are not at junction locations and the style of the dwellings have a more standard pattern of fenestration visible from the street. As such they are sufficiently different from the proposal before me and as such have been given limited weight.
20. The Council is unable to demonstrate 5 year supply of deliverable housing sites. As such Paragraph 11 d) of the Framework is engaged in this case.
21. The appeal site is in a built-up area with access to a range of services to which I attach weight in reaching this recommendation. The proposal is for a small dwelling which would add to the mix of housing stock available which is also considered to be a small benefit. It would make a limited contribution to the Government's objective of significantly boosting the supply of homes and would give rise to small social and economic benefits as a result of its construction and future use.
22. However, the Framework states that good design is a key aspect of sustainable development and overall the identified adverse impacts that the proposal would

have on the character and appearance of the area and the living conditions of future occupants of the dwelling, as outlined above, would significantly and demonstrably outweigh the limited benefits when assessed against the Framework when read as a whole.

Conclusion and Recommendation

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

A J Sutton

APPEAL PLANNING OFFICER

Inspector's Decision

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

RC Kirby

INSPECTOR