



Appeal Decision

Site visit made on 8 July 2020

by S Thomas BSc (hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 12 November 2020

Appeal Ref: APP/P0119/W/20/3245013

142 Land to the rear, Badminton Road, Downend BS16 6NG

- 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 Edward Morgan against the decision of South Gloucestershire Council.
 - The application Ref P19/7459/F, dated 20 June 2019, was refused by notice dated 17 September 2019.
 - The development proposed is described as full planning permission sought for one high specification sustainable single storey dwelling. Situated to the rear of 142 Badminton Road.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are (i) the effect of the proposed development on the character and appearance of the area; and (ii) whether the proposed development would provide acceptable living conditions for future occupants with regard to privacy.

Reasons

Character and Appearance

3. The proposed single storey dwelling would be sited to the rear of the existing property along its rear boundary. The general character of dwellings within the immediate vicinity of the site is of two storey semi-detached and detached properties with large rear gardens. Whilst there are single storey dwellings along Badminton Road, there is a regular pattern of development in the immediate locality with dwellings set back behind front gardens with a frontage to the street scene. The appeal site is prominent in that it is overlooked by neighbouring dwellings along Sutherland Avenue and Badminton Road and the arrangement of the large rear gardens backing onto each other contributes to the spacious character of this residential area.
4. The siting of the proposed dwelling sat deep in the plot within the back garden, would be out of character with the immediate locality. This form of development without a direct frontage to the street scene, would be uncharacteristic of the surrounding pattern of development. Given the prominence of the site from surrounding properties, it would appear

fragmented and visually intrusive. Furthermore, the site is awkwardly shaped and by virtue of the need to retain adequate enclosed garden space for the existing property, and to provide amenity space for the new dwelling, the constrained nature of the plot would lead to the proposal appearing cramped within it. This would conflict with the spacious character of surrounding rear gardens.

5. The proposed dwelling would be of a contemporary design incorporating a number of sustainable features including a green roof. However, I am not persuaded this would constitute outstanding or innovative in the context of Paragraph 131 of the National Planning Policy Framework (the Framework). Nevertheless, whilst giving support to such proposals the Framework is clear they must fit in with the overall form and layout of their surroundings. Similarly, Paragraph 127 of the Framework seeks to ensure developments should be sympathetic to local character, including the surrounding built environment.
6. Given the contemporary nature, the single storey form and materials which differ from the surrounding built environment, this would only serve to emphasise the uncharacteristic layout and the dwelling would fail to integrate successfully into the area. The proposed siting of the dwelling would lead to only part of the front elevation being visible from the street scene. The effect of it being partly hidden within the rear garden would give the appearance of the dwelling protruding uncomfortably to the rear of the existing property. Therefore, it would fail to positively interact with the street scene contrary to the predominant character of the built form.
7. For the reasons above, the proposal would result in harm to the character and appearance of the area. Accordingly, it would be in conflict with Policy CS1, CS16 and CS17 of the South Gloucestershire Local Plan Core Strategy (2013) and Policy PSP1 and PSP38 of the South Gloucestershire Local Plan Policies, Sites and Places Plan (2017) (PSPP). Amongst other matters these policies seek that development should be of the highest standards of design and site planning and siting, scale, form and height should be informed by and respect the character of both the site and context. Further, they state that overall layout should be integrated with existing development, buildings in gardens should not adversely affect the character of the area and development should respect the building line, form of the street and surrounding area.

Living conditions

8. The proposed amenity space, within the existing rear garden is currently overlooked by surrounding properties on Sutherland Avenue. This is not uncommon in a built-up area. Given the existing situation and having observed the relationship between these properties and the site I do not consider the level of overlooking of the proposed amenity space from these properties would harm the privacy of future occupiers.
9. Similarly, the existing property and the adjacent dwelling (No 144) would also overlook the site. Considering the relationship of the proposed amenity space to the existing property, the proposed separation, and proposed tree planting on the northern boundary; I also conclude that overlooking from the existing property or No 144 would not lead to a harmful effect on the privacy of future occupiers.

10. For the above reasons, the proposal would provide acceptable living conditions for future occupiers with particular regard to privacy. Therefore, it would not be in conflict with Policies PSP8 and PSP43 of the PSPP. Amongst other things the policies seek that development should not create unacceptable living conditions for the occupiers of the development with regard to loss of privacy.

Other Matters

11. I note the existence of other similar schemes referred to by the appellant. However, I do not have the full details of these before me. I cannot be sure therefore they present the same set of circumstances in terms of the impact on the character and appearance of the area, the prominence of the site from surrounding properties or the relationship to the street scene. Nevertheless, I have determined this appeal on its own planning merits.
12. The site lies in a location suitable for residential development and is reasonably located to local services. It would also provide an additional dwelling to the local housing stock and would assist in contributing to small sites housing delivery in the area. Whilst I recognise the appellants evidence regarding self build need in the area to which they state the proposal could contribute, there is no mechanism in the form of a Section 106 legal agreement before me with which to secure a self-build dwelling. I therefore give this matter limited weight in my deliberations.
13. I recognise that the proposal would provide some minor social benefits in terms of an additional dwelling to contribute to the mix of housing in the area and would bring some minor economic benefits through construction and subsequent occupation of the dwelling. In environmental terms, given the site lies within a rear garden within a built-up area I do not consider it falls within the Framework definition of previously developed land. Together with the identified harm to the character and appearance of the area, I do not consider the proposal would deliver the suggested environmental benefits.
14. In summary, given the harm I find to the areas character and appearance the proposal does not comply with the policies of the development plan. There are no benefits advanced sufficient enough either singly or in combination to outweigh the harm to the areas character and appearance and the conflict with the development plan. Accordingly, I find the proposal would not constitute sustainable development in line with the Framework.

Conclusion

15. For the reasons above, the appeal does not succeed.

S Thomas

INSPECTOR