



Appeal Decision

Site visit made on 12 October 2020

by B Davies MSc FGS CGeol

an Inspector appointed by the Secretary of State

Decision date: 25 November 2020

Appeal Ref: APP/G1630/W/20/3256618

Land to the rear of 48 Brookfield Road, Churchdown, Gloucester, GL3 2PB

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
 - The appeal is made by Mr R Bound (Brookfield Developments) against the decision of Tewkesbury Borough Council.
 - The application Ref 19/00780/OUT, dated 5 August 2019, was refused by notice dated 31 January 2020.
 - The development proposed is the construction of two dwellings.
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Decision

1. The appeal is dismissed.

Preliminary matters

2. The application was submitted in outline form and the appellant has confirmed that matters relating to appearance and landscaping are reserved for future consideration. I have therefore proceeded on the basis that the appearance of the house could change, but the overall scale and layout of the buildings would be consistent with the submitted plans.

Main issues

3. The main issues are the effect of the proposed development on:
 - the character and appearance of the area; and,
 - the living conditions of the occupants of neighbouring properties, with particular regard to outlook.

Reasons

4. The proposal is for two 1.5-storey detached houses in the rear garden of No 48 Brookfield Road. The appeal site comprises a large and long domestic garden, forming a central point within the surrounding ring of houses, the rear gardens of which terminate at the site.
5. The site has a long planning history. Of relevance to this appeal is that an outline application¹ for the erection of 2 detached houses was refused in June 2017 for similar reasons. Permission² was subsequently granted to construct a

¹ 17/00257/OUT (June 2017)

² 17/00804/OUT (October 2017)

single bungalow at the appeal site and a separate permission³ to replace the host house and replace with 2 new dwellings was granted in December 2018. The latter development would share access with the current application but had not commenced by the time of the site visit.

Character and appearance of the area

6. Gardens in the area are generally large, with well-established trees and hedged boundaries, giving the area an open, leafy suburban character. Although I do not have precise details of the proposed gardens before me, the garden attached to Plot 1 at least would necessarily be small when compared to the prevailing size, and significantly smaller than those associated with nearby detached houses. This would not be in keeping with the open, suburban character of the area and would lead to the development feeling relatively cramped. I note that the new building at No 42A also has a small garden, but I consider that this is exceptional, and that further, significant erosion of this positive characteristic would be harmful.
7. At approximately 1 metre apart, the houses would be unusually close together compared to other detached houses locally. I observed that most of the nearby detached houses have a gap at least the width of a driveway between them, whereas the house at Plot 2 would be approximately 1 metre away from the boundary with adjacent properties Nos 54 and 58. For these reasons, the proposal does not reflect the prevailing spacious pattern or grain of housing in the area.
8. The appellant has drawn my attention to 4 detached houses on the other side of Brookfield Road, which I observed to be close together relative to others in the area, as a result of infilling the original gaps. I consider these to be unusual for the locality, and as they are in larger plots, at least than Plot 1, they sit more comfortably than the proposal with the prevailing, spacious layout of the area.
9. The arrangement of houses locally avoids the rear of any house directly facing another, except at very long distances. The proposed house at Plot 1 would be orientated so that the rear windows would be almost square to Nos 8 and 10 Oldbury Orchard, at close proximity relative to the typical distances seen in the area, which does not reflect this positive characteristic of the layout of housing in the area.
10. I note that permission has been granted recently to replace the host house at No 48 with 2 detached houses on a smaller plot. I do not have details of the case before me, which makes direct comparison problematic. However, the Council has satisfactorily addressed this by referring to other factors, such as the relationship with the main road and other houses. I therefore do not consider that this forms a precedent.
11. When all of these factors are taken into consideration, the proposal would comprise cramped development compared to the prevailing character, and would therefore be in conflict with Policy SD4 and SD10 of the Gloucester, Cheltenham and Tewkesbury Joint Core Strategy (JCS), which together require that development responds positively to the character and quality of its surroundings, respecting the grain of the locality.

³ 17/01356/OUT (December 2018)

Living conditions of the neighbours

12. No 54 has a detached sunroom facing towards the appeal site, which I observed to be used at the time of the site visit. The boundary between the properties comprises a high, dense hedge which entirely screens the garden of No 48. The gable end of the roof and side wall of the house at Plot 2 would be approximately 1 metre away from the hedge and at its apex nearly 7 metres high. The imposing, large, blank feature would rise significantly above the hedge and create a dominant and oppressive feature which would have an overbearing effect upon outlook. I allow that the house at Plot 2 is offset so that only half of the structure would overlap the garden. In addition, the roof would be steep, which means that the bulk of the structure has been minimised as far as possible when viewed from this direction. However, overall, I consider that the house at Plot 2 would be overbearing to a harmful degree and there would be an associated loss of outlook from the garden and sunroom of No 54.
13. The occupants of No 58 would view the mirror image of those at No 54 at a similar short distance from the boundary. I consider that the outlook would be significantly reduced and, whilst to a lesser degree than No 58 given that the main amenity area is close to the house, I conclude that this would be to some extent overbearing.
14. Neighbouring No 52 has a small, private patio to the rear of the house. There is substantial and high screening by dense vegetation towards the appeal site and from my observations, I conclude that it would not be easy to see the proposed houses, which are at an oblique angle and nearly 20 metres from the rear boundary. I do not find that there would be harm to the living conditions of the occupants of No 52 from an overbearing effect on outlook.
15. The end of the garden at No 8 Oldbury Orchard is narrow and views to the rear are partly restricted by a shed and greenhouse. The rear garden of No 10 Oldbury Orchard is wider, and views towards No 48 are open. In both cases, the main amenity space is towards the house and, whilst the outlook would reduce, at approximately 30 metres distance, I do not consider that this would be to an overbearing extent.
16. I conclude that there would be harm to the living conditions of the occupants of Nos 54 and 58 from an overbearing effect on outlook. This would conflict with Policies SD4 and SD10 of the JCS, which together require that visual intrusion should be avoided, and local amenity protected.

Planning balance

17. As of 31 March 2019, the Council were only able to demonstrate a 4.33-year supply of deliverable housing. Paragraph 11 of the National Planning Policy Framework (2019) requires that permission must be granted unless the adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole.
18. Paragraph 59 of the Framework states that it is a Government objective to significantly boost the supply of homes. There is an extant permission on the site for a bungalow at the site, so the proposal equates to one extra house. The development would contribute to the housing supply and local economy during construction and through future use of local services. However, the housing

land supply shortfall is not substantial, and the benefits from one additional house are therefore small.

19. Paragraph 127 of the Framework states that development should be sympathetic to local character and create places that have a high standard of amenity for existing users. I consider the potential harm to the character and appearance of the area from cramped development to be moderately harmful, in addition to a moderate degree of harm to the living conditions of Nos 54 and 58.
20. I conclude that the adverse impacts significantly and demonstrably outweigh the benefits and that the proposal conflicts with the policies of the Framework when taken as a whole, and local policies SD4 and SD10 of the JCS, which protect local character and living standards.

Other matters

21. I note discussion between the appellant and third parties regarding the legal status of hedgerows and boundaries. This does not relate to the development and I have therefore not considered it further.

Conclusion

22. For these reasons, and having had regard to all other matters raised, the appeal is dismissed.

B Davies

INSPECTOR