



Appeal Decision

Site visit made on 5 November 2020

by B Davies MSc FGS CGeol

an Inspector appointed by the Secretary of State

Decision date: 2 December 2020

Appeal Ref: APP/F0114/W/20/3257666

Land adjacent to 6 Glebe Walk, Keynsham, BS31 2LS

- 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 M Davies against the decision of Bath & North East Somerset Council.
 - The application Ref 19/04598/FUL, dated 21 October 2019, was refused by notice dated 14 February 2020.
 - The development proposed is the erection of two semi-detached dwellings.
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Decision

1. The appeal is dismissed.

Procedural matters

2. Revised plans were submitted as part of the appeal incorporating minor changes to the internal layout of each property and the windows. The Council has had an opportunity to comment on these and I am satisfied that my acceptance of the amended plans would not prejudice any interested parties. I have therefore determined the appeal on the basis of the revised plans.

Main issues

3. The main issues are the effect of the proposal on:
 - the character and appearance of the area;
 - the living condition of neighbours with particular reference to loss of light, overshadowing, overbearing impact and overlooking;
 - the Green Infrastructure Network.

Reasons

Character and appearance

4. The site is part of a twentieth century housing estate, which includes sections of terraced housing arranged around pedestrianised grassed spaces. The rear of these terraces and associated garages are typically accessed via lanes running behind the houses. The green spaces provide long views in an otherwise tightly grained estate, introducing light and creating a sense of space and openness. I consider that the green spaces make a positive contribution to the attractiveness of the area.

5. The appeal site comprises one of these green spaces. Two rows of terraces face the green space, which is surrounded on the other 2 sides by the rear and side of other houses. A footpath for access through the estate passes around the outside of the green space.
6. The green space would be almost entirely lost through the proposed development. This would remove an important breathing space in an otherwise densely developed area. The area would subsequently feel cramped, and the relief provided by a sense of space and openness lost.
7. The character of the estate is also softened by grass verges around the edges of roads. It is proposed to remove 2 verges and replace these with hardstanding to provide 5 parking spaces to serve the proposed houses. Loss of the green verges would reduce the attractiveness of the area.
8. The pattern of development on the estate means that most rows of houses are perpendicular to each other. On the occasions that lines of housing are parallel, there is a significant distance between them. The proposal would introduce an unusual parallel line of housing that would be in atypical proximity to the existing houses on the western side of the green. The development would therefore feel cramped relative to the characteristic urban morphology of the area.
9. The proposed houses would be approximately 4.6 metres wide, which is marginally narrower than the typical widths of 5 to 6 metres. This is a minor difference and the harm caused by this would be small, but it nevertheless contributes to the sense of overdevelopment when compared to the prevailing pattern and grain.
10. Building lines would be conformed with, as would prevailing building height and elevation, and I consider that the style and finishing materials of the house are appropriate for the area. However, this is not sufficient to overcome the harm to character and appearance identified above.
11. Policies D1, D2 and D4 of the Core Strategy and Placemaking Plan (adopted July 2017) ('PP') together state that development should contribute positively to the qualities of places, having regard to local character and urban morphology, including the routes, block and plot patterns. For the reasons above, I conclude that the proposal conflicts with these policies. The proposal would also be in conflict with Policy CP6 of the Bath and North East Somerset Core Strategy (adopted July 2014) (the 'CS'), which requires that environmental assets are conserved through high quality design to create attractive places.

Living conditions

12. The occupants of houses facing the green space enjoy an open outlook from their front windows and gardens, or in the case of No 258, from the rear elevation. Placing two 2-storey houses at this location would clearly reduce outlook from the surrounding houses. This would be particularly significant for the occupants of No 7 because their currently wide outlook would be almost entirely lost, and I consider that this would be to an overbearing extent.
13. The original design would have caused overlooking of the front of No 7. To overcome this, the design has been amended to insert a false front bedroom window in Plot 1 and the narrow window on the first floor of both houses would

be fixed and obscured. This would remove the issue of overlooking in this direction.

14. However, a large bedroom window has instead been inserted to the side of Plot 1, which would look towards the front entrance of Nos 11 and 12. This would be at a distance of approximately 14 metres to the front door, which although not typical for the area, I do not consider to be an unreasonable distance for a tightly grained suburban estate. The front gardens of Nos 11 and 12 would be immediately below the proposed side window, which would result in a degree of overlooking. However, as the public pathway already passes in front of the gardens, I do not consider this to be a significant change.
15. The proposal would introduce 2 first floor windows to the rear that would face the rear of No 258 at approximately 15 metres. Although unusual for the immediate area, this offset is consistent with others seen elsewhere in the locality and I do not consider it unreasonable for a densely developed estate.
16. The proposed houses would be to the south of Nos 11 and 12 and, given the proximity, would throw a shadow on part of the associated front gardens. However, the gardens are long, and I do not consider this loss to be to a harmful degree. The appellant has submitted evidence to demonstrate that development would not otherwise result in an unacceptable loss of daylight or overshadowing to existing properties.
17. Due to significant loss of outlook for the occupants of No 7, the proposal is in conflict with Policy D6 of the PP, which states that significant harm through loss of outlook should not be caused.

Green Infrastructure Network

18. Policy CP7 of the CS requires that the strategic Green Infrastructure (GI) network is maintained, protected and enhanced. The National Planning Policy Framework (2019) defines GI as a network of multi-functional green space, capable of delivering a wide range of environmental and quality of life benefits for local communities. This definition is broadly reflected in examples provided in the 'Green Infrastructure Strategy for Bath and North East Somerset' (March 2013). The site has not been mapped as part of the local 'strategic' GI network.
19. The site undoubtedly has some value as an open green space, not least because it is surrounded by dense housing. However, although I acknowledge that it has been used as an amenity space by local people in the past, it is in private ownership, and public access cannot therefore be guaranteed. In addition, given that it is entirely mown grass, the benefit to biodiversity is low.
20. On this basis, I conclude that there is no conflict with the requirements of Policy CP7 of the CS.

Other considerations

21. The proposal would contribute 2 houses to the housing supply by increasing building density in a highly accessible location, which is encouraged by Policy D2 of the PP. There would be a contribution to the local economy during construction and future use of local public services. It is proposed to build the houses to a high environmental standard, including solar panels. These are clear benefits, but they are limited by the small size of the proposal and would

not outweigh the harm to character and appearance, and the living standards of neighbours.

Other matters

22. I have noted third party concerns regarding highway safety, street lighting and parking. The Council have not raised concerns in this regard and, as I am dismissing for other reasons, I have not considered these matters further.
23. I understand that the land is privately owned, so I have not taken any benefits into consideration from potential use by the public of the green space.

Conclusions

24. For the reasons above, and having had regard to all other matters raised, I conclude that the appeal should be dismissed.

B Davies

INSPECTOR