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## Appeal Decision

Site visit made on 8 December 2020

**by B Davies MSc FGS CGeol**

**an Inspector appointed by the Secretary of State**

**Decision date: 19 January 2021**

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**Appeal Ref: APP/C1625/W/20/3259048**

**Land at 39 Paynes Meadow, Whitminster, Gloucester, GL2 7PS**

- 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 & Mrs P Nicholls against the decision of Stroud District Council.
  - The application Ref S.20/1213/FUL, dated 18 June 2020, was refused by notice dated 20 August 2020.
  - The development proposed is the erection of 1 dwelling and associated works.
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### Decision

1. The appeal is dismissed.

### Main issue

2. The main issue is the effect of the proposal on the character and appearance of the area.

### Reasons

3. The appeal site is to the rear of the detached bungalow at 39 Paynes Meadow and contains a small garage, driveway and garden. It is located towards the end of a row of staggered bungalows set in large, mature gardens and linked by garages. Development on the opposite side of the road comprises semi-detached bungalows in smaller plots, with single, attached garages.
4. A Certificate of Lawfulness<sup>1</sup> was recently granted for a large replacement double garage and store on the site. The building subject to this appeal would be slightly smaller and although higher, this would be offset by setting the house further into the ground. The appellant states that there is a real prospect that the replacement garage would be developed, and, given the number of times the appellant has applied to build on the site, I have determined that there is a greater than theoretical possibility that this development will take place and it is a material consideration of substantial weight.
5. The staggering of house frontages is gradual across the estate. The proposal would not be consistent with this pattern because almost the entire house would be beyond the rear elevation of No 37. While this is appropriate for an ancillary building, I consider that it is notably out of character for a house and would appear incongruous.

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<sup>1</sup> S.20/0171/CPL (18 March 2020)

6. The relationship between the houses on the estate has been carefully laid out to avoid dwellings being perpendicular to each other, and where this occurs the buildings are not in proximity. The proposed dwelling would be immediately behind and perpendicular to No 39, which is therefore not consistent with the prevailing character, and for this reason would appear cramped.
7. Every house on the estate appeared to have an associated garage. This proposal would result in 2 properties with no garage and in this respect, it would not be typical for the area and this factor would contribute to the overdeveloped nature of the proposal.
8. Notwithstanding this, I do not consider the plot size to be inconsistent with the smaller residential plots opposite. With regard to disruption of the symmetry between Nos 39 and 41, I note that No 41 had several large ancillary structures in the garden, albeit they appeared temporary. Regardless, the principle of the scale of the proposed structure has been established through the Certificate of Lawfulness and, in this respect, I do not find the proposal harmful to the appearance of the area when compared to the fallback position. However, this does not overcome the harm to character of the area identified above.
9. The main difference in appearance between the proposal and the fallback position would be replacement of garage doors with French doors and insertion of rooflights. Garage roofs in the area are typically flat and a dual pitched roof at this location would be unusual. I consider that these factors would create a building of domestic, rather than ancillary appearance. On this basis, I am not convinced that it would appear subservient to No 39, even when viewed from a distance. However, the appellant has drawn my attention to the fact that these changes are possible under permitted development rights, and on this basis, I attribute negligible weight to these factors.
10. There would be a benefit from adding to the local housing supply in an accessible location, but I do not have evidence before me of an identified local need for 1-bedroom housing and the Council does not have a shortfall in its housing land supply. The benefits from the scheme are therefore minor.
11. The Council has adopted a strategy to protect the Severn Estuary Special Area of Conservation. The appeal site is in the catchment within which new housing requires a contribution to a mitigation measures fund. A Section 106 Unilateral Undertaking to this effect has been provided. However, as I am dismissing the appeal for other reasons, I have not considered it necessary to review this in detail.

## **Conclusion**

12. The proposal would not meet the requirements of Policies HC1 and CP14 of the Stroud District Local Plan (November 2015), which require that housing development is compatible with the scale, density and layout characteristic of the settlement, and is respectful of the surroundings and built environment.
13. For these reasons, and having regard to all other matters raised, the appeal should be dismissed.

*B Davies*, INSPECTOR