



Appeal Decision

Site Visit made on 1 February 2021

by **Gareth W Thomas BSc(Hons), MSc(Dist), DMS, MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 09 February 2021

Appeal Ref: APP/C1625/W/20/3259120

21-23 Elmgrove Road East, Hardwicke, Gloucester, GL2 4PY

- 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 Folio Homes Ltd against the decision of Stroud District Council.
 - The application Ref S.19/2476/FUL, dated 11 October 2019, was refused by notice dated 10 March 2020.
 - The development proposed is for the erection of a detached garage block with residential apartment over.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. During my site visit, I observed that the original scheme for a block of four single storey garages has been implemented.
3. The appellant has sought to change the design of the proposed development following the Council's decision. The changes involve the widening of the proposed structure, the reduction in the ridge height and changes to the proposed dormer windows at first floor. It is established case law¹ that the appeal system should not ordinarily be used to evolve submitted schemes. It appears to me from the drawings that have been submitted with the appeal that for convenience, the appellant has built out the ground floor in preparation of the possibility of the revised scheme going ahead. However, the revised scheme has a greater footprint, which has not been the subject of local consultation.
4. In applying the Wheatcroft Principles, I am satisfied that there is the strong possibility that interested parties would be prejudiced if the revised scheme was considered by me and accordingly, I have considered the appeal on the basis of the plans that were before the Council.

Main Issues

5. The main issues in this appeal are the effects of the proposed development firstly, on the character and appearance of the area and secondly, on the living conditions of existing occupiers in terms of outlook and light and of future occupiers in terms of amenity space.

¹ Bernard Wheatcroft Ltd v SSE [JPL 1982 P37]

Reasons

6. The appeal scheme comprising a garage block of three garages with flat above (commonly known as a FOG) would occupy a position immediately in front of the rear gardens to plots 6-9, inclusive and alongside a parking court within a recently constructed infill development of nine houses in an established residential area. There is a wide variety of dwellings in this area, which generally is of high density. The appeal scheme would be prominently located facing down the estate road towards the main road.
7. The siting of the FOG in this location would appear uncharacteristic and contrary to the general development pattern of the area. Whilst there is nothing inherently wrong with the architectural quality of the submitted scheme overall, the detailing showing its front door to the side offers little legibility or sense of arrival. Moreover, its layout shoehorned into limited space and surrounded by hardsurfacing would appear contrived and be clearly viewed as an after-thought.
8. In acknowledging that there is mounting pressure for additional housing and that permitted development rights are regularly changing to attend positively to housing pressures, this should not in my view be at the expense of good design. Good design includes both the architectural merits and layout. The layout in this instance would result in an incongruous addition to an otherwise well-designed housing layout.
9. My conclusion on the first main issue is that the proposed development would have an unacceptably harmful effect on the character and appearance of the area. In this respect the development would be of poor design particularly in terms of layout and the lack of ensuing legibility. Consequently, it would be contrary to Policies HC1(7) and CP14(7) of the adopted Stroud District Local Plan (DCLP), which combine to ensure amongst other things that new developments be of a scale, density, layout and design which are compatible with their surroundings. As Policy ES3(1) relates mainly to living conditions, I do not find conflict in terms of character and appearance.

Living conditions

10. Despite the Council's concerns, the proposed rooflights placed at a reasonably high level above first floor level in the rear facing roof slope and serving a hallway and a small bedroom would be unlikely to result in overlooking problems. The appellant's daylight study, which does not appear to be contested by the Council, indicates that the proposed development would not lead to an unacceptable reduction in daylight or sunlight reaching plots 6-9 inclusive. Thus, the living conditions experienced by existing occupiers of these properties with regards to potential overshadowing as envisaged by the Council would not be unduly harmed and would not therefore conflict with Policy ES3(1) of the SDLP in this narrow regard.
11. However, Plots 7 to 9, inclusive have small rear gardens that butt close up to what would essentially be a dormer bungalow or a storey-and-a-half dwelling. Using the Council's calculations, the height to ridge would be some 6.5m. Given the shallow rear gardens associated with the existing houses, I consider that the separation distance would be insufficient. Consequently, the occupiers of Plots 7 to 9, inclusive would be confronted by a mass of brickwork/roofing in

close proximity of their back door and garden, which would have an unacceptable overbearing effect on their outlook.

12. Turning to the living conditions of future occupiers of the FOG, the appellant maintains that at 23sqm, sufficient amenity space would be provided for future occupiers. However, the proposed private amenity space is divorced from the unit itself, is surrounded by parking areas and separated from the dwelling by a communal service path. Moreover, it would be overlooked by first floor windows of adjoining properties. I find that the utility of this contrived and overlooked private amenity space would be seriously compromised and would lead to unacceptable living conditions for future occupiers.
13. Taking all the above into account, I conclude that the proposed development would not provide acceptable living conditions for either existing or future occupiers contrary to Policies HC1 (7) and CP14 (7) of the SDLP, which inter alia, seek to ensure that new developments offer reasonable standards of residential amenity through acceptable layout and design, which in turn are important components of sustainable development. It would also conflict with Policy ES3(1) in terms of outlook.

Conclusion

14. For the reasons given above I conclude that the appeal should be dismissed.

Gareth W Thomas

INSPECTOR