



Appeal Decision

Site visit made on 4 May 2021

by B Davies MSc FGS CGeol

an Inspector appointed by the Secretary of State

Decision date: 14 June 2021

Appeal Ref: APP/C1625/W/21/3266468

331 Westward Road, Ebley, Stroud, GL5 4TX

- 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 W Gardiner (Complete Building and Maintenance Ltd) against the decision of Stroud District Council.
 - The application Ref S.20/1254/FUL, dated 24 June 2020, was refused by notice dated 19 August 2020.
 - The development proposed is the erection of a dwelling and associated works.
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Decision

1. The appeal is dismissed.

Main issues

2. The main issues are the effect of the development on:
 - the character and appearance of the Stroud Industrial Heritage Conservation Area, and
 - the character and appearance of the area.

Reasons

Background

3. The appeal site comprises the lower section of a long residential garden attached to a detached bungalow. The garden slopes down to the Stroud Water canal, from which it is separated by a picket fence and mature vegetation. A disused swimming pool and the associated large retaining wall cross the centre of the garden. Permission has already been granted to replace the bungalow above with two houses¹.
4. It is proposed to build a detached, 2-storey, 4-bedroom house with a flat, sedum and wildflower covered roof on the approximate footprint of the swimming pool. Access to the house would be at the bottom of the site via a lane from adjacent Hooper's Yard. This proposal follows previous refusal for a larger dwelling².

¹ 20/2119/FUL (6 January 2021)

² 19/2699/FUL (9 April 2020)

Character and appearance of the Industrial Heritage Conservation Area

5. The boundary of the Stroud Industrial Heritage Conservation Area (IHCA) runs through the appeal site. Beyond this, it encompasses a narrow zone along the canal and large tracts of land to the east and south.
6. The character appraisal³ states that the IHCA is linear in shape, following the local valleys and transport routes that developed over the 18th and 19th centuries to link the various mill complexes. The form and pattern of development provide the context for this history of development. The character appraisal states that gaps between industrial groups and clusters of settlement are particularly crucial to the special interest and appearance of the CA, and that the green spaces are as important as the built environment. The character appraisal also identifies the modern trend for housing along the canal as a pressure on the IHCA.
7. The bungalow above the site is part of a line of houses adjacent to Westward Road above, all of which have long, rear gardens sloping down to the canal. This is in sharp contrast with the more industrial character and layout of adjacent Hooper's Yard, which is built-up to the edge of the canal. I consider that this distinctive juxtaposition and associated green space above the canal form an important part of the setting of the IHCA. This configuration can be clearly viewed from the public footpath along the canal opposite. I conclude that the openness of the appeal site, and the contrast of this with Hooper's Yard, contribute to the significance of the setting of the IHCA and an appreciation of the cultural heritage of the area.
8. By virtue of the proposed house cutting across the garden at a notably lower elevation than the prevailing building line for the row of houses, and through introduction of a gravel parking area adjacent to the canal, the development would truncate the garden, reducing the sense of openness. In addition, the introduction of a building in the garden would blur the strong and distinctive building line between the appeal site and Hooper's Yard. For these reasons, I find that the setting of the IHCA would not be preserved or enhanced.
9. I acknowledge that the disused swimming pool and associated retaining wall already form a substantial structure on the same footprint of the proposed house. However, this structure is clearly ancillary to the bungalow and therefore of different and significantly less intrusive character than a 2-storey, detached glazed dwelling.
10. I do not find the partially sunken nature of the proposed house to be a compelling argument that the house would appear subservient to the houses above. When viewed from the canal, it would clearly be a detached house set in its own garden with separate access, and independent of the houses above.
11. I note the argument that the layout of the site seeks to act as a transitional element between the row of houses above and adjacent Hooper's Yard. The density of development and layout of modern housing at Hooper's Yard reflects its industrial past. There is nothing before me to suggest that the appeal site was similarly used, or that 'transitional elements' are characteristic of the IHCA. On the contrary, it is the juxtaposition of green space adjacent to the

³ The IHCA Conservation Area Statement (November 2008)

industrial area that is characteristic of the IHCA and encroachment into this would cause harm to its setting.

12. I also note reference by the appellant to 'Unit 12' of the Hooper's Yard site, which introduced additional built form to the west of the development. I have no further information before me on this matter, on which to base an assessment of the significance of this.
13. The proposed green roof may reduce the intrusiveness of the structure when viewed from the public domain, and I acknowledge that the house would not be visible from Westward Road. However, I do not consider that these factors would sufficiently reduce the harm to the setting of the IHCA from the inappropriate location of the building.
14. I acknowledge that large outbuildings could be constructed on the site using permitted development rights outside the CA. I also note that to a great extent these could still be exercised if this appeal were to be allowed. Notwithstanding this, a necessarily single-storey ancillary structure is of different character to a two-storey detached house. Critically, there is no evidence before me that there is a greater than theoretical possibility that this would take place should the appeal fail. For all these reasons, I give negligible weight to this as a potential fallback position.
15. It has also been drawn to my attention that the proposed access and parking are already possible and do not require further permission. However, this layout is not in place currently, and I have nothing before me to suggest that it is likely to occur, so this factor attracts negligible weight.
16. It is proposed to use local stone and brick and to incorporate industrial detailing in the design, which would complement the industrial heritage of the area. However, this would not outweigh the harm to the setting from development at a house this location.
17. I conclude that the proposal does not meet the requirements of Policy ES10 of the Stroud District Local Plan (November 2013) (LP), which states that heritage assets must be protected, conserved and, where appropriate, enhanced. Neither does it meet the requirements of Policy ES11, which requires that development adjacent to the canals respects their character, setting and historic value.
18. In coming to this conclusion, I have considered the duty under Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 to pay special attention to the desirability of preserving or enhancing the character or appearance of the conservation area. Paragraph 196 of the National Planning Policy Framework (2019) requires that if any harm is less than substantial, then the harm should be weighed against the public benefits. The proposal would contribute to the housing supply, but the small scale of the development means that the public benefit from this is minor and would be outweighed by the harm to the heritage asset, which is a matter of great weight.

Character and appearance of the area

19. Taken together, Policies HC1 and ES13 of the LP require that housing is of a scale, density and layout that is compatible with local character and appearance, and that development must not cause the loss of open space where it is important to the character of the settlement.

20. As described above, I have concluded that the open space provided by the garden contributes positively to the character of the settlement, and a reduction in this is therefore harmful. However, given that the appeal site is on the edge of built-up Hooper's Yard and there is already a large structure on the site, I consider that the harm to the character and appearance of the area from the loss of openness is small.
21. The recent permission to replace the detached bungalow with 2 houses would result in 3 houses on the original plot, which would be a notably higher density than other similar plots along the row. However, I am mindful that the density of housing on adjacent Hooper's Yard is much higher, and seen in this context, I consider that the harm from increasing the density to be small.
22. The proposed building would cross the garden at a lower elevation than the established building line and would face the canal, unlike the houses on the row above. However, there are houses close to and facing the canal on the adjacent Hooper's Yard development. The proposal would add an additional house to this cluster and, given that there is already a structure in place, I do not consider that the scale or layout of the proposal would significantly harm the character and appearance of the area.
23. The proposed building design is not seen elsewhere in the area. However, the surrounding housing stock is highly variable in age and form, and the proposal before me has taken cues from local design and materials. In this context, I do not consider the proposal inappropriate. However, this does not outweigh the harm to the character and appearance of the area identified above.
24. Through causing loss of openness and significantly increasing the density of housing on the original site, I conclude that the proposal would conflict with the requirements of Policies HC1 and ES13 of the LP, which protect the character and appearance of the area, albeit I have found that the harm from this would be small.

Other matters

25. The site is in the catchment area of the Rodborough Common Special Area of Conservation (SAC). I have not considered the risks to the SAC further because I have found that the scheme is unacceptable for other reasons.

Conclusion

26. I have found that the setting of the Stroud Industrial Heritage Conservation Area would not be preserved, which is a matter of great weight, and that there would be minor harm to the character and appearance of the area from the development. I conclude that the proposal would be in conflict with the local development plan when read as a whole.
27. For the reasons above, and having regard to all other matters raised, the appeal should be dismissed.

B Davies

INSPECTOR