

Appeal Decision

Site visit made on 6 July 2021

by C J Ford BA (Hons) BTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 9 August 2021

Appeal Ref: APP/P0119/W/21/3273495

57 Chipperfield Drive, Kingswood BS15 4DR

- 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 Darren Bennett against the decision of South Gloucestershire Council.
 - The application Ref P21/00041/F, dated 31 December 2020, was refused by notice dated 9 April 2021.
 - The development proposed is described as 'New dwelling on land adjacent to No 57 Chipperfield Drive'.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. At the time of the site visit a fence had been erected which partially subdivides the garden area of 57 Chipperfield Drive. However, the subdivision does not correspond with that shown in the submitted plans with the erected fence leaving No 57 with a smaller retained rear garden area. In the interests of clarity, the appeal has been determined having regard to the subdivision shown in the submitted plans and not that denoted by the position of the fence on the site.
3. A revised version of the National Planning Policy Framework (the Framework) was published in July 2021 and the main parties were given the opportunity to submit comments. The 2021 version of the Framework is referred to in the decision.

Main Issues

4. The main issues are:
 - the effect of the proposed development on the character and appearance of the area; and
 - whether the proposal would provide acceptable living conditions for future occupiers of the new dwelling with regard to private outdoor space.

Reasons

Character and appearance

5. The appeal site is located in a formally laid out twentieth century residential estate and comprises the side garden area to 57 Chipperfield Drive, a two-storey semi-detached house. No 57 and the attached neighbouring property, No 58, are the last in a row of similar semi-detached houses with hipped roofs. Thereafter, to the south on Hunters Drive, the dwelling design changes to two-storey properties with dual pitched roofs. The Hunters Drive properties have the initial visual impression of being semi-detached pairs but are connected by narrow single storey elements at the side. Appearing as an exception to the two-storey built form in the locality, there is a short terrace of four bungalows located on the opposite side of Chipperfield Drive to No 57. Common to all the properties are private outdoor garden spaces that are fairly generous and purposefully arranged.
6. Given this context, the proposed detached dwelling would starkly contrast with the prevailing semi-detached character of the properties in the locality. It would also appear cramped within its plot due to a combination of the two storey part of the front elevation being noticeably narrower than that of the neighbouring semi-detached properties and the limited private outdoor space visually reading as the contrived remnants of the irregular shaped site. It would therefore appear awkward and incongruous in the street scene. Moreover, as the proposed dual pitched roof would uneasily sit closely alongside No 57's hipped roof, this would further emphasise its incongruous appearance.
7. It is acknowledged the proposed dwelling would provide a point of visual interest in the street scene. However, as it would not be in keeping with the character of the locality, its visual interest would be a negative one.
8. In light of the above, the proposed development would have an unacceptably harmful effect on the character and appearance of the area. As such, it would conflict with Policy CS1 of the Council's Core Strategy 2013 and Policy PSP1 of its Policies, Sites and Places Plan 2017, (PSPP). Amongst other things, these policies seek to ensure development achieves the highest possible standards of design with the siting, form, scale and massing respecting and enhancing the character and distinctiveness of the site and its context. It would also conflict with the Framework which promotes development that is sympathetic to local character.
9. The Council's related reason for refusal also referred to a conflict with Policy PSP8 of the PSPP. However, as that policy specifically relates to residential amenity, it is only relevant to the consideration of the second main issue below.

Living conditions

10. The private amenity space standards of Policy PSP43 of the PSPP specify that as a guide, a new 2 bedroom house should meet or exceed the minimum standard of 50 sqm. It also specifies that the space should be of a sufficient size and functional shape to meet the needs of the likely number of occupiers.

11. The submitted Design and Access Statement indicates the size of the dwelling is intended to accommodate three people. Furthermore, the submitted plans show an amenity area to the rear of the house and a patio to the side, both of which would broadly be triangular in shape. The appellant has not sought to challenge the Council's calculations that the proposed development would provide approximately 43 sqm of private amenity space and only 24 sqm of that would be truly functional. Consequently, the private amenity space provision would be substandard in its size and shape for a dwelling that is capable of accommodating a small family.
12. Accordingly, the proposal would not provide acceptable living conditions for future occupiers of the new dwelling with regard to private outdoor space. As such, it would conflict with Policy PSP43 as described above and Policy PSP8 of the PSPP which seeks to ensure development does not create unacceptable living conditions for occupiers of the development. It would also conflict with the Framework which expects development to promote health and well-being, with a high standard of amenity for future users.

Other Matters

13. The appellant asserts that being the garden of a residential dwelling, the site is currently a brownfield site/previously developed land. However, planning policy changed in this regard in 2010 and the definition of previously developed land in the Framework specifically excludes residential gardens in built-up areas. Furthermore, while planning policy promotes the efficient use of land, it is also emphasised that the desirability of maintaining an area's character must be taken into account.
14. Benefits of the proposed scheme include the provision of an additional dwelling within a sustainable location and in the context of the Government's objective of significantly boosting the supply of homes. There would also be economic benefits associated with the construction and subsequent occupation of the house, including spending at shops and services in the area. However, as the proposal would only provide one additional dwelling, it would make a very limited contribution to the housing supply and the local economy which, whilst positive, would not be sufficient to outweigh the significant harm to the character and appearance of the area and the substandard living conditions of the future occupiers of the house with regard to private outdoor space.
15. The appellant has drawn attention to 6A and 6B Burnham Drive which are two flats within a two-storey detached building. The property has a front elevation which is narrower than that of 4 and 6 Burnham Drive, the neighbouring original pair of semi-detached houses. However, the building forms part of a different street scene from the appeal site and where there is a further example of a detached house, namely 4A Burnham Drive which is positioned on the other side of Nos 4 and 6. While the full details that led to the development of 4A and 6A/6B are not before me, the appellant indicates the latter were granted permission in 2004. As such, they would have been considered against different planning policy to that which now exists. Furthermore, all of those properties consistently have a hipped roof form.
16. The appellant also states there is a large extension to 35 Holly Hill Road to form another unit but at the time of the site visit that property appeared to have retained its original form. In any event, an extension would have a different appearance to a new detached house. Consequently, the

developments referred to are not directly comparable to the appeal scheme which has been considered on its own merits against current planning policy and with regard to its particular location and circumstances.

Conclusion

17. The proposed development would conflict with the development plan as a whole and there are no material considerations, including relevant advice in the Framework, which would indicate that the decision should be made otherwise than in accordance with the development plan.
18. For the reasons given above and having had regard to all other matters raised, the appeal is dismissed.

C J Ford

INSPECTOR