



Appeal Decision

Site Visit made on 10 August 2021

by Tamsin Law BSc MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 08 September 2021

Appeal Ref: APP/G1630/W/21/3273609

46 Rookery Road, Innsworth, Gloucester GL3 1AU

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
 - The appeal is made by Mrs Linda Patten against the decision of Tewkesbury Borough Council.
 - The application Ref 20/00964/OUT, dated 28 September 2020, was refused by notice dated 22 March 2021.
 - The development proposed is a detached dwelling on land adjacent to 46 Rookery Road, Innsworth.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. A revised version of the National Planning Policy Framework (Framework) was published on 20 July 2021. version of the National Planning Policy Framework (the Framework). I have not asked the parties for further comment as the revised Framework does not materially alter the national policy approach in respect of the main issue raised in this appeal and therefore no parties have been prejudiced by its publication.

Main Issue

3. The main issue is the effect of the proposed development on the character and appearance of the area.

Reasons

4. The appeal building is one half of a pair of semi detached, two storey dwellings which are typical of the area. There is a spacious feel to the street scene which contributes positively to its character and appearance. It is made up of evenly spaced pairs of buildings with deep front gardens. Although some buildings have been altered and garages erected within the gaps between pairs, their single storey and set back design has helped reinforce the spaciousness of the area.
5. Whilst seeking outline planning permission with all matters reserved, the proposed development would introduce a detached dwelling into one of the characteristic gaps between two pairs of semis, all but filling it. This would noticeably reduce the spacious feel to the area, upsetting its pleasant rhythm and balance. It would accordingly result in a cramped appearance to the street scene and thus be harmful to the character and appearance of the area.

6. As such, it would conflict with Policy SD4 of the Gloucester, Cheltenham and Tewkesbury Joint Core Strategy (2017) and Policy RES5 of the Pre-Submission Tewkesbury Borough Plan (2019) which seek, amongst other things, to ensure that development respond positively to, and respects the character of the site and its surroundings. The proposal also conflicts with paragraph 130 of the National Planning Policy Framework and the National Design Guide which seek good design sympathetic to local character and development that responds positively to the surrounding context.

Other Matters

7. The Council has advised that they cannot demonstrate the supply of housing sites required by the Framework. As this is the case, I am taken to paragraph 11 of the Framework. The most important policies are therefore considered to be out of date. As the erection of one dwelling, the proposal would make a very limited contribution to any housing undersupply. The scale of the scheme would accordingly limit its associated socio-economic benefits. Paragraph 130 of the Framework requires that developments are sympathetic to local character and establish or maintain a strong sense of place, using the arrangement of streets, spaces, building types and materials to create attractive, welcoming and distinctive places to live, work and visit. I have found that the proposal would cause unacceptable harm on the character of the area in the manner I have described above. I ascribe significant weight to these harms which would be long lasting. Therefore, and in regard to the specific circumstances of this case, the adverse impacts of granting a planning permission would significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework taken as a whole. It would not therefore be sustainable development for which the presumption in favour applies.
8. The evidence suggests that the appellant wishes to downsize to a smaller dwelling due to their age. I would attach some weight to this but such that would be tempered by the limited evidence that this personal requirement has to be met by the appeal site and the proposed development.
9. Both parties have drawn my attention to examples of similar developments within the area, however I do not have full details of these examples in front of me. In any event, the circumstance of each example is likely to be different and does not outweigh the harm identified in this proposal. I have determined the appeal scheme on its own merits.
10. I note the concerns raised by the appellant regarding the handling of the application, however this is an administrative matter between the appellant and the Council and has no bearing on the determination of the planning merits of the appeal.

Conclusion

11. For the above reasons, there are no relevant material considerations, including the approach of the Framework, that would indicate a decision otherwise in accordance with the development plan. It is for this reason that the appeal should be dismissed.

Tamsin Law

INSPECTOR