

Appeal Decisions

Site Visit made on 25 May 2021

by Martin Allen BSc (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 19 October 2021

Appeal A - Ref: APP/C1625/W/21/3270632

89 Bisley Road, Stroud, GL5 1HQ

- 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 N Hassall against the decision of Stroud District Council.
 - The application Ref S.20/1989/FUL, dated 24 September 2020, was refused by notice dated 21 December 2020.
 - The development proposed is the subdivision of existing dwelling to form two dwellings with a rear extension.
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Appeal B - Ref: APP/C1625/W/21/3270634

89 Bisley Road, Stroud, GL5 1HQ

- 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 N Hassall against the decision of Stroud District Council.
 - The application Ref S.20/2768/FUL, dated 21 December 2020, was refused by notice dated 9 February 2021.
 - The development proposed is the subdivision of existing dwelling to form two dwellings with a rear extension.
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Decisions

1. Appeal A is dismissed.
2. Appeal B is allowed and planning permission is granted for the subdivision of existing dwelling to form two dwellings with a rear extension at 89 Bisley Road, Stroud, GL5 1HQ in accordance with the terms of the application, Ref S.20/2768/FUL, dated 21 December 2020, subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
 - 2) The development hereby permitted shall be carried out in accordance with the following approved plans: Drawing Numbers 20 66 01, 20 66 02 and 20 66 03.
 - 3) A Cotswold Beechwoods Special Area of Conservation Mitigation Strategy shall be submitted to and be approved in writing by the Local Planning Authority prior to first occupation of the development. The strategy shall include a homeowner information pack (HIP) that includes information on recreational opportunities in the local area and describes sensitivities of locally designated sites, such as Cotswold Beechwoods Special Area of Conservation. The approved details shall be made available to occupants upon first occupation.

Preliminary Matters

3. As set out above, there are two appeals on the site. Both schemes propose the sub-division of the existing dwelling to form two, separate properties. To avoid duplication, I have dealt with them together, but each on their own merits.
4. In respect of Appeal A, I have taken the date of application above from the Council's decision notice as the planning application form indicates a date the same as that on which the Council issued its decision.

Main Issues

5. The main issues are, (i) in respect of Appeal A, the effect on the character and appearance of the area, bearing in mind the location within the Stroud Top of Town Conservation Area, and (ii) in respect of Appeal B, the effect of the lack of off-street parking provision on highway safety.
6. In regard to both appeals, there is also a need to consider the potential effect on the nature conservation interests of nearby designated European nature conservation sites.

Reasons

Character and appearance

6. The appeal site comprises a semi-detached dwelling with a frontage to Bisley Road. The property is set back from and elevated above the road, with a front garden enclosed by an attractive brick wall, with brick pillars to the pedestrian accessway. The site lies within the Top of Town Conservation Area (the CA) and I observed that the significance of this designated heritage asset lies, in part, in the urban grain and layout of properties, including the boundary treatments along roads. The appeal property comprises a building which has a front elevation constructed mostly in white brick, with red brick detailing, and this was repeated in the front wall along the highway. This departs from the predominantly red brick construction of the surrounding properties, and results in an individuality to the appeal building that positively contributes to the CA and also results in the property comprising a non-designated heritage asset.
7. Uphill from the appeal site are numerous examples of parking areas that have been constructed to the front of properties, as well as a small number of such examples downhill from the site. These interventions into the frontages of properties are at odds with the traditional and attractive boundary walls that enclose the remainder of surrounding properties, interrupting the continuity of the brick front walls. While I accept that the detailing of the proposed parking space would be an acceptable aspect of the scheme, in that it would seek to replicate brick banding and the use of brick pillars, the construction of a further intervention along the highway would nonetheless be an undesirable addition to the site. It would further erode the positive contribution made by the brick boundary walls and, as a consequence, would fail to preserve the character and appearance of the CA at this location.
8. Thus, the construction of the proposed new parking bay would be harmful to the character and appearance of the area, bearing in mind the location within the Stroud Top of Town Conservation Area. Accordingly, the proposal would conflict with policy ES10 of the Stroud District Local Plan (the Local Plan),

insofar as it seeks to ensure that the historic environment of the District is preserved, protected, or enhanced.

9. In causing harm and failing to preserve the character and appearance of the conservation area, I find that the scheme would result in less than substantial harm to a designated heritage asset. As required by paragraph 202 of the National Planning Policy Framework, I have had regard to any public benefits of the proposed development, which includes the provision of parking clear of the highway. However, any such benefit is not sufficient to outweigh the harm that I have identified.

Highway safety

10. Appeal scheme B proposes no off-street parking provision for the sub-division of a single, 8-bed property into two 4-bed properties. However, the existing property currently has no off-street parking provision, relying solely on on-street parking. While I note that the Council contends that no evidence has been submitted to demonstrate that the parking demand generated from the proposal can be accommodated on the local road network, there is nothing before me that convinces me that the parking demand associated with the proposed two smaller dwellings would be any greater than the maximum parking demand generated by the existing larger property. As such, the proposal would not worsen the existing situation.
11. Therefore, the lack of off-street parking provision would not have a detrimental effect on highway safety and the scheme would accord with policy HC6 of the Local Plan, insofar as it seeks to ensure adequate car parking is provided for the sub-division of dwellings.

Designated European nature conservation sites

12. The developments would result in a net increase of one dwelling within 3km of Rodborough Common Special Area of Conservation (SAC). This site is designated for its calcareous grassland being the most extensive area of semi-natural dry grasslands surviving in the Cotswolds. The site contains a wide range of structural types, ranging from short turf through to scrub margins. Short-turf vegetation is mainly confined to areas of shallower soils. The Conservation objectives for Rodborough Common SAC are to maintain in favourable condition the calcareous grassland.
13. In line with Policy ES6 of the Local Plan and the Rodborough Common Interim Impact Avoidance Strategy, a permanent significant effect on the SAC due to increase in recreational pressures resulting from new development is likely. As such, in order to be lawfully permitted, the developments will need to include a package of avoidance and mitigation measures.
14. The adopted Avoidance Mitigation Strategy provides a strategic solution to ensure the requirements of the Habitats Regulations are met with regard to the in-combination effects of increased recreational pressure on Rodborough Common SAC arising from new residential development. This has been endorsed by Natural England. The avoidance strategy sets out that a financial contribution will be required in order to secure mitigation for the increased recreation impacts of new residential development. Legal undertakings have been submitted with the appeals and the Council has confirmed that they are correctly completed. I have no reason to find otherwise.

15. In addition, the site lies approximately 5km from the Cotswold Beechwoods SAC. The site represents the most westerly extensive blocks of beech forests in the UK. These woods are floristically rich, with many rare plants present and a rich mollusc fauna. The woods are structurally varied, with blocks of high forest and areas of beech coppice. The site also includes semi-natural dry grassland and scrubland, which includes important orchid sites. The Conservation objectives for this site are to ensure the integrity of the site is maintained or restored.
16. This site is also susceptible to the effect of additional recreational pressure; a survey undertaken indicates that 75% of visitors to the SAC live within 15.4km of the site and the appeal site therefore lies within its zone of influence. Consequently, the development is likely to have an adverse effect on this SAC. In order to prevent unacceptable effects to this SAC, Natural England recommends that a condition be included on any permission that may be given, requiring that homeowner information packs be provided which include details of recreational opportunities in the area, together with information in respect of the particular sensitivities of locally designated sites. In my view, this is appropriate mitigation for any potential adverse effect.
17. I am satisfied that the potential significant effects from additional recreational pressures on the SACs have been appropriately identified and assessed. The developments would not result in any specific direct recreational effects beyond those identified and for which mitigation contributions and measures are in place. Thus, subject to the completed legal undertakings and condition securing the mitigation, the proposals would accord with policy ES6 of the Local Plan, which seeks to ensure that designated Special Areas of Conservation are protected and safeguarded.

Conditions

18. A condition ensuring adherence to the approved plans, is necessary in the interests of the character and appearance of the area. In order to prevent unacceptable effects on the SAC, a condition is required in respect of homeowner information packs.
19. While a condition in respect of the times of construction activities has been suggested, given the scale of the proposed works they are not likely to adversely affect the living conditions of nearby occupiers and therefore I do not consider this to be necessary.

Conclusion

20. While I have found that Appeal B would not result in harm to highway safety, I do find that Appeal A would have an unacceptable harmful effect on the character and appearance of the area.
21. For the reasons given above, I conclude that Appeal A should be dismissed, and that Appeal B should be allowed.

Martin Allen

INSPECTOR