



Appeal Decision

Site Visit made on 8 November 2021 by B Phillips BSc MSc MRTPI

Decision by K A Taylor MSC URP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 03 December 2021

Appeal Ref: APP/C1625/D/21/3281288

19 Oak View, Hardwicke, Gloucester GL2 4AT

- 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 and Mrs Kieran Gavin against the decision of Stroud District Council.
 - The application Ref S.21/0608/HHOLD, dated 9 March 2021, was refused by notice dated 1 June 2021.
 - The development proposed is the removal of existing single garage and replacement with a two vehicle garage.
-

Decision

1. The appeal is allowed and planning permission is granted for the removal of existing single garage and replacement with a two vehicle garage at 19 Oak View, Gloucester GL2 4AT in accordance with the terms of the application, Ref S.21/0608/HHOLD, dated 9 March 2021, 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: 9836/01, 9836/02.
 - 3) The materials to be used in the construction of the external surfaces of the development hereby permitted shall match those used in the existing building.
 - 4) The development hereby permitted shall not be first occupied until the two vehicle garage has been fitted with an electric vehicle charging point. The charging point shall comply with BS EN 62196 Mode 3 or 4 charging and BS EN 61851 and Manual for Gloucestershire Streets. The electric vehicle charging point shall be retained for the lifetime of the development unless it needs to be replaced in which case the replacement charging point shall be of the same specification or a higher specification in terms of charging performance.

Procedural Matters

2. The Government published on 20 July 2021 a revised version of the National Planning Policy Framework (the Framework). Given the limited scale of development and the lack of reference to the Framework in the refusal reasons, in this instance, no further comments in respect of the publication were necessary.

3. I have also had regard, and in accordance with Paragraph 30 of the Framework in this appeal decision to the Hardwicke Parish Council Neighbourhood Development Plan 2015-2031, adopted October 2017, which the Council provided as part of their appeal submission.

Appeal Procedure

4. The site visit was undertaken by an Appeal Planning Officer whose recommendation is set out below and to which the Inspector has had regard before deciding the appeal.

Main Issues

5. The main issues are
 - the effect of the proposal on the character and appearance of the existing dwelling and surrounding area; and
 - the effect of the proposal on the living conditions of the occupants of No.18 Oak View (No.18), having particular regard to outlook.

Reasons for the Recommendation

Character and Appearance

6. No.19 Oak View is a residential property which forms part of a wider modern estate characterised by detached dwellings of a variety of scale. In addition to some integral garages, there are a number of detached garage structures, visible along Oak View, some double and some triple, facing the highway.
7. The appeal property is positioned at the end of a cul-de-sac and features a detached garage. The front elevation of No.18 directly faces this existing garage. The replacement garage would be set back into the garden area of No.19 and would be larger in footprint and height than the existing.
8. Nevertheless, its ridge height would sit below the eaves height of No.19. Given the scale of No.19 and most of the surrounding properties, in addition to a larger triple garage directly to the south, the footprint of the garage would not appear excessive. As such, it would result in it being seen as subservient to the main dwelling.
9. Furthermore, given that there are similar height garages within the vicinity of the site, the proposed garage would not appear in isolation, out of keeping nor incongruous within its surroundings.
10. As such, I conclude that the proposal would not be harmful to the character and appearance of the existing dwelling and surrounding area. There would be no conflict with Policies HC8 and ES12 of the Stroud District Local Plan, 2015 (LP), which taken together, amongst other things collectively seeks to ensure that development is and in keeping with the scale and character of the original dwelling and wider setting.

Effect on Living Conditions

11. The proposed garage would be sited in close proximity to the boundary with No.18. The front elevation of No.18 has two windows facing the boundary including a bay window which directly faces the existing garage. The other faces the timber fence common boundary and the side garden area of No.19.

12. Despite the replacement garage being taller and slightly deeper than the existing it would be set further back into the plot. The outlook from the bay window at No.18 would be improved due to the removal of the existing garage. Whilst there would be some built form introduced in front of the other 'study' window, this would be limited given the siting of the proposed garage to the rear, its distance from this window and the intervening boundary fence. Therefore, I am satisfied that the proposal would not be overbearing when viewed from this window at No.18.
13. For the reasons given above, I conclude that the proposal would not harm the living conditions of No.18 Oak View, having particular regard to outlook. There would be no conflict with LP Policies ES3 and ES12 which collectively seek to prevent unacceptable harm to the living conditions of adjoining occupiers.

Other Matters

14. Given the distance between the proposed garage and the windows of No.18, the Council have raised no issue with regards to light. I have no reason to disagree, especially given the position of the garage to the west of No.18.
15. The plans do not show any boundary treatment replacing the existing garage, and as such direct visibility between the properties would be possible. This would be similar to the relationship between properties elsewhere in the cul-de-sac. Given the distance between the two properties, any mutual overlooking would not be to an unacceptable level.
16. The issue of impact on property values has also been raised. It is a well-founded principle that the planning system does not exist to protect private interests such as value of land or property. Any effects from the construction period would be short-term and could be mitigated by careful construction management.
17. The neighbour has expressed additional concerns about the proposed development, including access and a fire hydrant. These concerns have not been substantiated and the Council did not raise these points as reasons for refusal. I note the reasons relating to working at home and health, but little weight can be attached to such personal circumstances.

Conditions

18. The Council has provided a list of suggested conditions that it considers would be appropriate. I have considered these in light of the Planning Practice Guidance (PPG). For clarity and to ensure compliance with the PPG, I have amended some of the Council's suggested wording.
19. A condition specifying the time limit and approved plans is necessary as this provides certainty. I have imposed a condition specifying materials are to match the existing property in order to safeguard the character and appearance of the area.
20. A condition requiring electric vehicle charging is considered necessary in the interest of promoting sustainable transport modes, in accordance with paragraph 112e of the Framework.

21. I have not imposed the condition to restricting the use of the development and permitted development rights there is no clear justification to do so, and it would not pass the test for necessity.

Conclusion and Recommendation

22. There are no material considerations that indicate the proposal should be determined other than in accordance with the development plan. For the reasons given above, I therefore recommend that the appeal should be allowed with the suggested conditions.

B Phillips

APPEAL PLANNING OFFICER

Inspector's Decision

23. I have considered all the submitted evidence and the Appeal Planning Officer's report and on that basis the appeal is allowed.

K A Taylor

INSPECTOR