



Appeal Decision

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

Decision by Chris Preston BA(Hons) BPI MRTPI

an Inspector appointed by the Secretary of State

Decision date: 17 January 2022

Appeal Ref: APP/G1630/D/21/3280742

35 Medway Crescent, Brockworth, Gloucester, GL3 4LE

- 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 Jason Hock against the decision of Tewkesbury Borough Council.
 - The application Ref 20-00120-FUL, dated 7 February 2020, was refused by notice dated 19 May 2021.
 - The development proposed is the erection of a detached double garage and new access at the side.
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Decision

1. The appeal is dismissed.

Appeal Procedure

2. 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.

Preliminary Matters

3. It is understood that the proposed garage has been reduced in scale since the scheme originally submitted. I have determined the appeal on the basis of the amended scheme (plans dated April 2021) considered by the Council.

Main Issue

4. These are the effect of the development on:
 - the character and appearance of the existing dwelling and surrounding area; and
 - the living conditions of the occupiers of 16 Ribble Close, having particular regard to outlook and light.

Reasons for the Recommendation

Character and Appearance

5. Medway Crescent is a suburban street set within a wider residential development, characterised by similar two storey semi-detached or terraced properties, set back from the highway with a regular front building line and parking to the front or on the road.

6. No 35 is an end of terrace property, split into 2 maisonette units, with its north east side boundary facing Avon Crescent and some parking areas. A footpath also runs past this side boundary to Ribble Close to the rear.
7. Policy HOU8 of the Local Plan (LP) sets out that outbuildings should, amongst other matters, respect the scale and proportion of the existing /original dwelling.
8. The proposed garage would be substantial in scale, covering a similar footprint to the existing property and surrounding dwellings, and extending almost the full width of the rear garden. It would occupy much of the bottom half of the garden, with parking and turning areas to the front, leaving only limited garden space at the rear of the dwelling. Its substantial scale would be clearly larger than any other visible garden buildings, including a single garage building at the end of Avon Crescent. The combined width, depth and scale would be disproportionate to the size of the existing dwelling and garden area, resulting in a dominant and obtrusive form of development.
9. Whilst the existing rear garden area appears currently unused and overgrown, the proposed development would not be the only way to improve or bring the garden back into use and the present state of the land does not amount to a justification for the harm that would be caused.
10. The appellant points to a number of detached garages erected as part of major residential developments nearby. These garages were designed and approved as part of the original scheme and therefore sit as part of the original street scene. They are either minor detached garages to the side of much larger properties or are part of the designated parking areas, with the larger examples serving multiple dwellings. Their context or impact on character is not therefore comparable to the proposal before me.
11. The proposal would be harmful to the character and appearance of the existing property and surrounding area. There is conflict with Policy SD4 of the Gloucester, Cheltenham and Tewkesbury Joint Core Strategy (2017) (JCS) and LP Policy HOU8, which, amongst other matters, require development to respect the character of the site and its surroundings. These policies are consistent with the National Planning Policy Framework (the Framework) which seeks to ensure that development is sympathetic to its context and to local character.

Effect on Living Conditions

12. The garage would sit in close proximity to the rear boundary with No 16 Ribble Close. Given the land levels, it would also sit on a slightly higher level.
13. The occupiers of No. 16 currently have an outlook facing over the close boarded boundary fence across their rear gardens towards the appeal property. Although the outlook would change with the development of the appeal proposal, I am satisfied that its single storey nature and four way pitched roof design of the garage would ensure that it would not be an overly prominent or intrusive feature in views from the garden area and would not be overbearing on the outlook from the rear of this property.
14. Given the single storey nature of the garage building and the roof design, the garage would not materially affect the amount of light received by habitable rooms or the rear garden of No 16.

15. I conclude that the proposed development would not be harmful to the living conditions of the occupiers of No 16 Ribble Close. Accordingly, the proposal complies with LP Policy HOU8 and JCS Policy SD4 which seek to prevent significant harm to the living conditions of adjoining occupiers. These policies are in accordance with the Framework.

Other Matters

16. The appellant sets out that the building is necessary for the parking of 2 vehicles with electric charging points, however it is not demonstrated why a garage building of this scale is necessary to provide for this and such facilities could be provided without such a substantial structure.
17. It is understood that a number of neighbours have expressed support for the scheme, however, this does not alter my conclusions on the main issues above. It is intimated by one neighbour that there is a parking problem on Medway Crescent, however no details are provided to demonstrate that on-street car parking within the area causes congestion within the road or has resulted in safety issues to users of the highway. In any event, off street parking could be provided without the need for the garage and I give little weight to any benefit in that regard.
18. The Equalities Act 2010 sets out the need to advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it. This involves having due regard, in particular, to the need to eliminate discrimination, advance equality of opportunity and foster good relations between people who share a relevant protected characteristic and those who do not.
19. There is nothing in the submitted information to indicate that the need for the proposal arises in relation to any protected characteristics. I have found, as set out above, that the examples of other garage buildings put forward by the appellant are not directly comparable to the scheme before me. Given the differences between the other garages and their surrounding environments, when compared to the appeal proposal, there is nothing to indicate that the approval of those schemes and dismissal of the appeal scheme was a matter of discrimination. Therefore, I am satisfied that a refusal to grant permission would not amount to discrimination under the Equalities Act but would be a matter of judgement based on the planning merits of the proposal which are specific to the appeal site.

Conclusion and Recommendation

20. The proposal would be harmful to the character and appearance of the existing property and area in conflict with the development plan. There are no other considerations, including the provisions of the Framework, which outweigh this finding. For the reasons given above and having had regard to all other matters raised, I recommend that the appeal is dismissed.

B Phillips

APPEAL PLANNING OFFICER

Inspector's Decision

21. I have considered all the submitted evidence and the Appeal Planning Officer's report and on that basis, I agree with the recommendation and shall dismiss the appeal.

Chris Preston

INSPECTOR