



Appeal Decision

Site visit made on 26 January

by M. P. Howell BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: Friday 25 February 2022

Appeal Ref: APP/P0119/W/21/3282782

47 Cranleigh Court Road, Yate BS37 5DQ

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a failure to give notice within the prescribed period of a decision on an application for planning permission
 - The appeal is made by Mr Kim Richings against South Gloucestershire Council.
 - The application, Ref P21/00998/F, is dated 22 February 2021.
 - The development proposed is for a new detached house with allocated parking space, cycle rack and bins store.
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Decision

1. The appeal is dismissed, and planning permission is refused.

Application for costs

2. An application for costs has been made by Mr. Kim Richings against the South Gloucestershire Council. This application is the subject of a separate Decision.

Preliminary Matter

3. I note the reasons for refusal submitted with the Council's Statement of Case. While this is not the application decision as jurisdiction over that was taken away when the appeal was lodged, I have treated it as the decision the Council would have made, had it been empowered to do so.

Main Issues

4. In light of the reasons set out, the main issues in this appeal are;
 - The effect of the proposed development on the character and appearance of the area.
 - The effect of the proposed development on the living conditions of the occupants of 47 and 49 Cranleigh Court Road, with regard to light and outlook.
 - Whether the proposed development would provide adequate accommodation for future occupants, with regard to the size and shape of the private outdoor space.

Reasons

Character and Appearance

5. The appeal site is the rear garden of 47 Cranleigh Court Road. Cranleigh Court Road is predominately residential, characterised by terraced dwellings, with

gable fronted dwellings at either end, finished in stone, fronting the road with a long rear private garden. No 47 is an end of terrace gable property with a long rear private garden and a dual frontage, which faces the Road and the adjoining side street. The side street is an access road to garages, a parking court and the rear of nearby shops. The site is appreciable from the adjoining roads and the pedestrian rear lane. There is a distinctive character and appearance to the area, which is enhanced by the simple pattern of development, spacious plots and coherent finishing materials.

6. The proposed dwelling would have a scale, height and design that would be similar to the host dwelling, along with a matching setback from the access road. However, due to the constraints of the site, the dwelling would be detached, sited close to the neighbours party boundary with a small private garden space to the side. The size and orientation of the dwelling produces a smaller and less spacious plot, with a greater emphasis on the width and a considerably shallower depth. As such, the layout of the dwelling would be at odds with the simple pattern of development and spacious plots, appearing cramped and harmful to the character and appearance of the area. The proposal would also be prominent from localised public vantage points on the road and footpaths, exacerbating the impact on the character and appearance of the area.
7. I, therefore, conclude that the proposed development would be at odds to the existing pattern of development, damaging the character and appearance of the area and conflicting with Policy CS1 of the South Gloucestershire Local Plan 2013 (CS), Policies PSP1 and PSP38 of the South Gloucestershire Local Plan: Policies, Sites and Places Plan 2017 (LP). These policies seek to ensure that proposed development will be of a high design quality and should respond to and reflect the local character and quality of an area, including existing features of landscape. The proposed development would also be contrary to the objectives of Section 12 contained within the National Planning Policy Framework (the Framework).

Living Conditions of Neighbours

8. The proposed development would be separated from the No 47 and No 49 by the depth of the retained garden and the proposed parking area. The gable elevation would directly face no 47, it would be two storey with a single ground floor window. Although the gable end would not directly face No 49, the proposed rear elevation of the dwelling would be positioned near to the shared boundary with the garden of No 49, with no door or window openings.
9. The existing outlook from the rear of No 47 and No 49 and their gardens is an open, unobstructed outlook that results in a sense of space. Consequently, the proximity of the proposed dwelling and its two-storey height would have an overbearing effect, which would unacceptably dominate the outlook from both neighbouring properties. The resultant loss of light would be more significant to the rear elevation of No 47, however, the siting of dwelling close to the shared boundary, coupled with its scale, length and two storey height would unacceptably change the outlook as well as result in a significant loss of light to the private garden of No 49.
10. I have had regard to the 'Light Study' drawings submitted by the appellant. The study is limited to one day in June, and therefore, does not fully assess the impact on light to the neighbours. Nonetheless, the evidence does show that

overshadowing to the garden near to the rear elevations would be increased during the latter parts of the day, which would not weigh in favour of the appeal.

11. Consequently, the extension would unacceptably affect the living conditions of the occupants of No 47 and No 49, having regard to light and outlook. As such, the proposed scheme would fail to accord with Policies PSP8 and PSP38 of the LP, which in summary, seek to ensure new development does not prejudice the living conditions of neighbours.

Living Conditions of Future Occupants

12. Policy PSP43 of the LP explicitly refers to 'private amenity space standards', setting out that it should be functional and safe, accessible, a sufficient size and shape to serve the size of dwelling and designed to consider the context of the site. It also specifies a minimum standard of 60m² for a 3 bedroomed house.
13. Although the appellant has indicated 79sqm of amenity space has been provided, not all of this would be private. Based on the evidence before me, the private garden space would be to the western side of the proposed dwelling and would not include the parking area or the open area to the front. As such, the level of private garden space would be below the standard set out in Policy PSP43.
14. Accordingly, although the private garden space is accessible and flat, the size would be small for a three bedroomed house in this context, below the minimum standard, as well as being an awkward shape that tapers to a point. As such, the private garden space has not been designed to consider the context of the site and would not be a sufficient size and functional shape to meet the needs of the future occupiers of a 3 bedroomed house. In my judgement, access to appropriate outdoor space for normal activities such as relaxing, sitting out, hanging washing or storing refuse is essential. The lack of access to a functional and sufficiently sized space would undermine the quality of the accommodation and living conditions of future occupants.
15. I, therefore, conclude that the proposed development would result in substandard living conditions for the future occupants, with regard to the size and shape of the private outdoor space. This is contrary to the aims of Policy PSP43 of the LP, which seeks to ensure that all new residential units provide functional, accessible, safe and adequately sized private garden spaces for the type of accommodation proposed.

Conclusion

16. For the reasons given above and taking into account the development plan as a whole and all other relevant material considerations, I conclude that the appeal should be dismissed.

M. P. Howell

INSPECTOR