



Appeal Decision

Site visit made on 22 March 2022

by Helen Davies MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: Monday 28 March 2022

Appeal Ref: APP/P1615/W/21/3287928

Garages adjacent to 20 Phelps Way, Tibberton GL19 3AU

- 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 Debbie Kale against the decision of Forest of Dean District Council.
 - The application Ref P0556/21/FUL, dated 12 March 2021, was refused by notice dated 23 September 2021.
 - The development proposed is demolition of existing detached garage block and erection of new dwelling.
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Decision

1. The appeal is dismissed.

Applications for Costs

2. An application for an award of costs was made by Ms Debbie Kale against Forest of Dean District Council. This application is the subject of a separate decision.

Main Issues

3. The main issues are:
 - The effect of the proposed development on the character and appearance of the area; and
 - Whether the proposed development would provide acceptable living conditions for future occupants, with regard to outside amenity space and internal living space.

Reasons

Character and appearance

4. Whilst in a residential area, Phelps Way is something of a secondary road used as access to the rear of dwellings, their gardens and associated parking areas. It does not display a street frontage in the traditional sense and as such, along with gardens to dwellings, single storey garages and communal green areas, it has a pleasant sense of spaciousness that contributes positively to its character and appearance. This is reinforced by the plot to building ratio where buildings are set back from the road and have generous gardens.
5. The proposed development would face directly onto Phelps Way, wholly against the existing established arrangement. It would be a substantial building

somewhat shoehorned into a very small space. Despite being of a similar scale, design and materials to surrounding dwellings, the cramped nature of the plot and its development on the site of smaller scale, visually subservient buildings would noticeably and significantly erode and thereby cause harm to the spacious character and appearance of the area.

6. Consequently, the development would not comply with Policy CSP1 of the Forest of Dean District Council Core Strategy 2012 (CS) and Policies AP1 and AP4 of the Forest of Dean District Council Allocations Plan 2018 (AP). Together, amongst other things, these policies seek to ensure that development is well designed, takes account of local character and distinctiveness and is sustainable by improving the environmental conditions of an area. Furthermore, it would not accord with the National Planning Policy Framework (the Framework), in particular paragraphs 130 and 134, which seek to secure well designed places which are sympathetic to local character.

Living Conditions

7. Policy AP4 focuses on design, including that development should respect the amenity of residents. The Forest of Dean Residential Design Guide (RDG) specifies that development should deliver 'gardens averaging 100 square metres per family dwelling on the private side of the house to the rear of the plot' and that garden space should be 'sheltered and private'. In addition, paragraph 130 of the Framework requires, amongst other things, that decisions should ensure that developments function well and have a high standard of amenity.
8. The Council accepts that there is some flexibility when considering garden size, depending on site characteristics. Despite this they state that the proposed 27 square metres of outside amenity space is around a quarter of the size set out in the RDG, so is significantly below any reasonable level of flexibility. I agree, particularly given the location, constrained shape and thus practical usability of the allocated space.
9. The appellant contends that the RDG is old and that the outside amenity space is actually around 54 square metres, with 27 square metres being private. I acknowledge that the RDG is dated, and needs to be applied flexibly, but in seeking to deliver a high standard of amenity it remains consistent with the Framework.
10. Regardless of the disagreement as to the size of the outside amenity space¹, and relevance of the RDG, it is evident from the submitted plans that most of the outside space would be to the front of the dwelling. Over half of this would be a hard surfaced parking area in front of the garage entrances, with the rest being set to grass. The area to the side would be narrow and in practical terms suitable only for storage uses. The main area of usable outside amenity space would therefore be very small, even for a two bedroom dwelling. In addition, the space would lack privacy by being located immediately adjacent to the road to the front and a footpath to the side. Reasonably close access to public open space and requirements in other areas would not make the appeal scheme's provision acceptable either quantitatively or qualitatively.

¹ The appellant seems to have included the parking area in the amenity space calculations whereas the Council seems to have excluded the parking area.

11. The Council have made reference to the nationally described space standards with regard to the size of the rooms in the proposed dwelling. Planning Practice Guidance (PPG) and the Framework sets out that where a local planning authority wishes to require an internal space standard, they should only do so by reference in their development plan to the nationally described space standard, and only where the need for an internal space standard can be justified. In this case, the development plan does not make reference to the nationally described space standards, so they can only be considered as advisory.
12. Notwithstanding this, and the differing views of the main parties on how to interpret the national space standards, the internal living space provided by the proposed dwelling would be modest. This would in part be due to much of the ground floor being utilised as a double integral garage. Despite this, I do not consider the size of the living space to be unacceptable and there are no development plan policies which preclude a dwelling with modest living space.
13. That aside, and for the above reasons, the proposed development would provide unacceptable living conditions for future occupants, with regard to outside amenity space. Consequently, the development would not comply with Policy AP4, or the RDG, which together, amongst other things, seek to ensure that development provides suitable amenity space. Furthermore, it would not accord with the Framework, in particular Paragraph 130, in that it would not provide a high standard of amenity for future users. I do not find conflict with Policy CSP1 which does not specifically relate to either internal or external space.

Other Matters

14. The Council acknowledge they are unable to demonstrate the supply of housing sites as required by the Framework. As such, and in regard to the particular circumstances of this case, I would consider the most important policies out of date and be taken to paragraph 11dii of the Framework. Whilst conflict with the most important policies may be affected by this situation, the above harms would remain. These are harms to which I would ascribe substantial weight, by virtue of them being wide ranging and long lasting.
15. The Framework supports the provision of a range of dwelling sizes, with paragraph 69 noting the contribution that can be made by small and medium sized sites, and windfall developments. In addition, Framework paragraphs 120 and 125 give support for development on brownfield sites and making optimal use of under-utilised land. However, neither the Framework, nor the support in the development plan for new housing in towns and villages, is at the expense of ensuring that development integrates appropriately with its surroundings. That would not occur in this instance.
16. In terms of benefits, the provision of a new dwelling would make a contribution towards the supply of housing, in an area with an ongoing under supply. There would also be social and economic benefits arising from the construction period and future spend of occupants giving support to local services and facilities. However, as construction benefits would be short term and the proposal is only for a single dwelling, I can give these benefits only limited weight.
17. With the above in mind, and when assessed against the policies in the Framework taken as a whole, the adverse impacts of the proposal would

significantly and demonstrably outweigh the benefits. Consequently, the presumption in favour of sustainable development does not apply.

Conclusion

18. The appeal scheme would conflict with the development plan. There are no material considerations worthy of sufficient weight that would indicate a decision other than in accordance with it. The appeal should therefore be dismissed.

Helen Davies

INSPECTOR