



Appeal Decision

Site visit made on 8 April 2022

by Lewis Condé BSc (Hons), MSc, MRTPI

an Inspector appointed by the Secretary of State

Decision date: Tuesday 31 May 2022

Appeal Ref: APP/P0119/W/21/3289245

42 Horse Street, Chipping Sodbury BS37 6DB

- 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 Mrs D Tsering against the decision of South Gloucestershire Council.
 - The application Ref P21/05053/F, dated 14 July 2021, was refused by notice dated 11 November 2021.
 - The development proposed is described as 'To drop the kerb and to pave the front of my property using flagstones or paving stones in keeping with the surrounding area, to make a driveway.'
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Decision

1. The appeal is allowed and planning permission is granted for development described as 'to drop the kerb and to pave the front of my property using flagstones or paving stones in keeping with the surrounding area, to make a driveway' at 42 Horse Street, Chipping Sodbury, BS37 6DB in accordance with the terms of the application, Ref P21/05053/F, dated 14 July 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:
 - Location Plan (received by the Council on 4th August 2021)
 - Proposed Block Plan (received by the Council on 9th August 2021) and;
 - Sketch Plan (received by the Council on 20th August 2021).
 - 3) Notwithstanding condition 2, no development shall take place until details of the finishing materials to be used in the hardstanding have been submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details.

Procedural Matter

2. The Council describe the proposed development as 'Creation of vehicular access onto classified highway (Class B) and installation of hardstanding to form 1 no. parking space'. Since this is a more accurate and precise identification of the development to which the appeal relates, I have had regard to it in my findings.

Main Issue

3. The main issue is whether the proposed development would preserve or enhance the character or appearance of the Chipping Sodbury Conservation Area (CA).

Reasons

4. The appeal site is a two-storey mid-terrace cottage, that is set back from the main highway by a modest, open front garden. The front garden is lawned but its grass coverage is rather limited. This is due to it containing an area of hardstanding for vehicle parking, as well as a separate pathway. The front gardens of neighbouring properties in the terrace share similar arrangements.
5. Surrounding properties are primarily residential, but the site is located on a main thoroughfare within Chipping Sodbury and on an important approach to its commercial centre. The significance of the CA lies in its historic and architectural qualities as a medieval market town.
6. The CA Supplementary Planning Document 2009 (SPD) indicates that it derives its special character from numerous elements. This includes its open spaces and planting. Indeed, the SPD specifically identifies the importance of the small number of gardens that are to be found along Horse Street. It notes that these are an attractive element that are important to the setting of the adjoining cottages, and the character of the street. As such, the SPD recommends that gardens along Horse Street should be kept undeveloped.
7. The grass area to the front of the appeal property, alongside its informal parking arrangements, adds to the quaintness of its character. Despite the limited amount of grass, it also helps to pleasantly soften the streetscene, in an area generally lacking in greenery. Furthermore, in tandem with similar front gardens across the wider terrace, it also provides a continuity in appearance to these properties. The appeal property's front garden therefore positively adds to the character of the host property, the wider terrace, and the CA.
8. The provision of a dropped kerb to create a vehicular access would not result in any adverse impacts to the character and appearance of the host property or surrounding area, due to the minor nature of the works. This element of the proposal would therefore preserve the character and appearance of the CA.
9. Entirely covering the appeal property's front garden with hardstanding would however result in a more formal and unsympathetic arrangement. This aspect of the development would also appear rather jarring due to its mid-terrace position and its contrast with the front gardens of the adjoining properties. Consequently, it would fail to either preserve or enhance the character or appearance of the CA.
10. Given the scale and nature of the proposal, I consider it causes less than substantial harm to the character and appearance of the CA. Nevertheless, any harm to the significance of a designated heritage asset requires clear and convincing justification and in accordance with paragraph 202 of the National Planning Policy Framework (the Framework), I must weigh the harm against the public benefits of the proposal.
11. The proposed development would not provide any tangible public benefits that would outweigh the identified harm. It would therefore be contrary to Policy

CS9 of the South Gloucestershire Local Plan Core Strategy (adopted 2013), Policy PSP17 of the South Gloucestershire Local Plan: Policies, Sites and Places Plan (adopted 2017) and guidance contained within the SPD (2009). Together these policies and guidance, amongst other matters, seek to ensure that heritage assets are conserved, respected, and enhanced. Likewise, the proposal does not accord with the aims of the Framework in respect of heritage assets.

12. Schedule 2, Part 1, Class F of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (GPDO) sets out that the development of areas of hard surfacing incidental to the enjoyment of a dwellinghouse are permitted within its curtilage, subject to limited conditions. Should such an area be over five square metres, drainage within the curtilage should be controlled and/or surfacing should be of permeable material.
13. Whilst the exact size of the proposed hardstanding is difficult to ascertain from the plans submitted, given the size of a car to be parked thereon and manoeuvred, it is reasonable to assume it would be over five square metres. The plans do not show drainage, but I have imposed a condition to require detail of the surfacing to be approved. Thus, it would be within the Council's gift in discharging that condition to require either drainage and/or a permeable surface.
14. With this in mind, and in regard to the allowances of the GPDO and the clear intentions of the appellant in regard to the property frontage, there is a genuine prospect that what would be a realistic fallback position would be carried out with only a permeable surfacing solution and/or drainage required to make the hard surfacing element of the proposed development comply with the requirements of the GPDO. Indeed, a planning permission may result in a better overall form of development coming forward as it would enable more certainty and control over the precise materials and appearance of the hardstanding. As such, I find the fallback a material consideration that would warrant a departure from the adopted local plan position.

Other Matters

15. The Council is concerned that the appeal proposal would set a precedent for similar developments within the area. However, each development proposal should be considered on its own merits.

Conditions

16. Draft conditions were issued to the main parties for comment, and were agreed to, should planning permission be granted.
17. The standard time condition is required for certainty, as is a condition to secure compliance with the approved plans. A condition is also required relating to the provision of the finish materials for the approved hardstanding. Such a condition is necessary for clarity and in the interest of the character and appearance of the development.

Conclusion

18. I find that the proposed hardstanding would not preserve or enhance the CA, the appeal proposal therefore does not accord with the adopted development plan. However, there are material considerations, specifically the fallback

position of permitted development rights, which indicate a decision should be taken other than in accordance with the development plan. The appeal should therefore be allowed.

Lewis Condé

INSPECTOR