



Appeal Decision

Site visit made on 28 June 2022

by Laura Cuthbert BA(Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 19th July 2022

Appeal Ref: APP/G1630/W/22/3290426

32 Avon Crescent, Brockworth, Gloucester GL3 4LG

- 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 Vlad Zubrickij against the decision of Tewkesbury Borough Council.
 - The application Ref 21/00802/FUL, dated 23 June 2021, was refused by notice dated 24 November 2021.
 - The development proposed is new build of 1 No. 3-bed 4-person dwelling, attached to the host dwelling of 32 Avon Crescent.
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Decision

1. The appeal is dismissed.

Procedural Matter

2. The Council cite the pre-submission version of the Tewkesbury Borough Local Plan 2011-2031 in the reason for refusal. Since the appeal was submitted, the Local Plan has been adopted by the Council on 8 June 2022. Therefore, full weight can now be given to the relevant policies of the Local Plan.

Main Issue

3. The main issue is the effect of the proposed development on the character and appearance of the area.

Reasons

4. The appeal site consists of part of the garden and an area of hardstanding situated to the side and rear of 32 Avon Crescent, a semi-detached 2 storey dwelling. It is a visually prominent parcel of land located on the junction of Avon Crescent and Wye Road. It is enclosed by hedging along the side boundary with Wye Road, and along part of the front boundary with Avon Crescent. The space around No 32, along with the front and side gardens of other corner plots close to the junction, contributes positively to a sense of spaciousness in the street scene.
5. The proposal, as a result of its siting in close proximity to the boundary with the highway, would appear as an incongruous addition to the area, reducing the spacious feel of the street scene. The proposal wouldn't exceed the building line along Avon Crescent but when viewed along Wye Road it would be uncharacteristically close to the highway. Whilst the retention of the hedgerow would help to soften this effect, it would not make up for the inappropriate siting of the proposal.

6. My attention has been drawn to other similar developments approved in the area. However, the circumstances of each proposal are likely to be different. The development referred to at 35 Tamar Road is situated between 2 existing properties and is not on a corner plot. Therefore, it would not be comparable to the appeal proposal. Whilst the developments referred to at 16 Abbotswood Road and 1 Cedar Road are situated on corner plots in a similar way to the proposal, they are not positioned as close to the highway as the proposal would be and thus the spacious feel of these corner plots have been retained. Nevertheless, the fact that similar developments exist in the area is not a reason, on its own, to allow unacceptable development in the above context. I have considered this appeal on its own merits and concluded that it would cause harm for the reasons set out above.
7. The proposal would harm the character and appearance of the area. It would conflict with Policy SD4 of the Gloucester, Cheltenham and Tewkesbury Joint Core Strategy 2011-2031 (adopted December 2017) and Policy RES5 of the Tewkesbury Borough Local Plan 2011-2031 (adopted June 2022) which, in combination, seek proposals to be of a design and layout that respects the character and appearance of the surrounding area, is capable of being well integrated within it, and addresses the urban structure and grain of the locality in terms of street pattern, layout, mass and form.
8. The proposal would also be contrary to the principles within Chapter 12 of the National Planning Policy Framework (the Framework) (2021), most notably paragraph 130 which states that developments should be sympathetic to local character. Paragraph 134 of the Framework supports the refusal of development that is not well designed. The proposal would also conflict with the objectives of the National Design Guide (2021) which states that well-designed new development should respond positively to the features of the site itself and the surrounding context beyond the site boundary.

Other Matters

9. The Council is unable to demonstrate a five-year supply of deliverable housing sites. Paragraph 11 of the Framework states that where the most important policies are out of date (such as in this case), permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole.
10. The proposal would provide a limited amount of short-term employment through the construction of the development and some further modest benefits would result from the additional support to the vitality of the local community from the future occupiers of the dwelling. The proposal would make a modest contribution to the supply of housing and towards helping to address the Council's shortfall.
11. However, the proposal would result in harm to the character and appearance of the area. Harm to which I would ascribe substantial weight since it would be long lasting. As such it would be contrary to the aims of the Framework, which recognises that planning decisions should ensure that developments are sympathetic to local character, including the surrounding built environment. Overall, and for this reason, the adverse impacts of the proposed development would significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework when taken as a whole. It would not

therefore be sustainable development for which the presumption in favour applies.

Conclusion

12. The appeal scheme would conflict with the development plan. There are no material considerations, including the approach of the Framework and worthy of sufficient weight, that would indicate a decision other than in accordance therewith. The appeal should therefore be dismissed.

Laura Cuthbert

INSPECTOR