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## Appeal Decision

Site visit made on 26 January 2021

**by B Davies MSc FGS CGeol**

**an Inspector appointed by the Secretary of State**

**Decision date: 4 March 2021**

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**Appeal Ref: APP/P1615/W/20/3261191**

**Sunray, Baptist Way, Ruardean Hill, Drybrook, GL17 9AR**

- 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 and Mrs Paul Frowen against the decision of Forest of Dean District Council.
  - The application Ref P0718/20/FUL, dated 1 June 2020, was refused by notice dated 24 July 2020.
  - The development proposed is erection of a chalet bungalow. Construction of a new vehicular access and associated works.
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### Decision

1. The appeal is allowed and planning permission is granted for erection of a chalet bungalow, construction of a new vehicular access and associated works, at Sunray, Baptist Way, Ruardean Hill, Drybrook, GL17 9AR, in accordance with the terms of the application, Ref: P0718/20/FUL, dated 1 June 2020, subject to the conditions set out in the attached schedule.

### Application for costs

2. An application for costs was made by Mr and Mrs Frowen against the Forest of Dean District Council. This application is the subject of a separate Decision.

### Procedural matter

3. I have removed the words 'revised scheme' from the banner heading because this is not a description of development.

### Main issue

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

### Reasons

5. The appeal site is part of a large garden at 'Sunray', a detached chalet bungalow. It is on the corner of the junction between Baptist Way and Highview Road, which is the main road through the village. The appeal site is largely constrained on 3 sides by residential housing, and there is a small building on the fourth side which is reportedly a Friends Meeting House.
6. The open, green appearance of the site is a consequence of it being entirely laid to lawn and edged along the road with low, wire fencing. I observed that

the sense of openness is reduced through the presence of a modern garage and large conifer boundary along the neighbouring boundary. When approached, the site is seen in the context of a large triangular green to the north east, and an expanse of undeveloped land immediately to the south, which dominate the impression of openness.

7. For these reasons, and in the absence of any substantial evidence to the contrary, I do not find that the site provides one of the distinct and open spaces of particular importance within the village, or that it is of notable value in allowing attractive views to be gained of features beyond. I also note that it is not in a defined 'Important Open Area', which attracts a greater degree of protection in local policy.
8. The appeal site would not extend a ribbon of development, given that it is constrained by other buildings and is located at a largely built-up junction in the village. The proposal would remain behind the building line along Baptist Way, which runs parallel to the open area to the south, and for this reason I do not consider that it would encroach into the countryside. On this basis, I do not find that the development would cause harm to the character and appearance of the area from inappropriate suburban sprawl.
9. The Council expresses concern that the proposed configuration does not complement the 'traditional' layout of Sunray because it would block the 'front' elevation. According to the Council, a traditional layout would overlook the main road across a front garden. However, it is not immediately clear which side of Sunray is the front elevation. It is accessed from Baptist Way on the opposite side to the appeal site via a driveway. Views of Highview Road from the house are partially blocked by the high hedge and garage. In addition, it is set significantly further back from the highway than most properties along Highview Road. I conclude that Sunray does not have a 'traditional' layout and that its main relationship is with Baptist Way. Comparison with the layout of houses along Highview Road is therefore not required.
10. In addition, the grain of development is not untypical of local examples of parallel houses, and fences of similar height can be observed between properties in the area. For these reasons, I do not find harm to local character from the side of Sunray being obscured by the development.
11. The proposed building would be adjacent to and side-on to Highview Road. Many houses along the main road face the highway, with green space to the front. However, there are also several examples where the orientation is otherwise, or with limited front garden. I do not find directly fronting the highway across a garden a strong determining characteristic of the street.
12. In addition, when considered in combination with the existing garage, the footprint would overall be of similar L-shaped configuration and orientation to the house on the opposite side of Baptist Way, and to a great extent these would reflect and balance each other. I therefore do not find that the proposal would be notably incongruent with the character of the main road.
13. I have not found harm to the character and appearance of the area and the proposal would therefore not conflict with Policies CSP.1 of the Core Strategy (adopted February 2012) and AP.4 of the Allocations Plan 2006 to 2026 (adopted June 2018), which together require that local character and distinctiveness are taken into account.

### **Conditions and conclusion**

14. The Council has recommended 6 conditions. I have imposed 5 of these, with slight amendments to the wording in the interests of precision and clarity, and in order to comply with advice in the PPG.
15. In addition to the statutory time limit, I have imposed conditions to secure accordance with the approved plans.
16. I have included a condition to secure drainage works, which I consider appropriate to ensure that facilities for discharging water are adequate. I have included a condition to ensure satisfactory provision of off-street parking in the interests of road safety, given that the site is on a road junction. I have also included a condition requiring an electrical charging point to accord with paragraphs 103 and 148 of the National Planning Policy Framework (2019), which require that opportunities are taken to maximise sustainable transport solutions to improve air quality, and to support use of low carbon energy.
17. I have also included a condition to require an investigation into potential land contamination related to the infilled former quarry that is either at or near the site, for the purposes of protecting human health and the environment. Although not on the Council's list of conditions, it is raised in the officer's report. The appellant has confirmed in writing that they do not object to it being a pre-commencement condition.
18. However, I have not imposed a general condition removing permitted development rights because I do not consider it reasonable or necessary. I have no evidence before me that the living conditions of neighbours would be compromised by additional permitted development, and taking into account the orientation of the plot, and the design of the house and the surroundings, I do not consider this likely.
19. For the reasons above, and having had regard to all other matters raised, I conclude that the appeal should be allowed.

*B Davies*

INSPECTOR

### **Schedule of 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 approved plans:
  - PF 020\_01 Location Plan with block plan 1:1250 & 1:500
  - PF 020\_02 Existing site layout and levels 1: 200
  - PF 020\_03 (Rev A) Proposed site layout and drainage details 1:200
  - PF 020\_04 Proposed landscaping and highways details 1:200
  - PF 020\_05 Sections AA & BB 1:200 scale
  - PF 020\_06 Sections CC & DD 1:200 scale
  - PF 020\_07 Floor Plans 1: 100
  - PF 020\_08 Proposed Elevations 1:100 scale
  - PF 020\_09 Sections EE & FF 1: 50 scale
  - PF 020\_10 Vehicle Manoeuvring Details 1:200
- 3) None of the dwellings hereby permitted shall be occupied until the drainage works shall have been completed in accordance with the submitted and approved plans.
- 4) The dwelling shall not be occupied until space has been laid out within the site in accordance with drawing no. PF020\_10 and that space shall thereafter be kept available at all times for the parking of vehicles.
- 5) Notwithstanding the details hereby approved the dwelling will be provided with one electric vehicle charging point. The facilities shall thereafter be retained and maintained for such purposes in perpetuity.
- 6) No development shall commence until an assessment of the risks posed by any contamination shall have been submitted to and approved in writing by the local planning authority. This assessment must be undertaken by a suitably qualified contaminated land practitioner, in accordance with British Standard BS 10175: Investigation of potentially contaminated sites - Code of Practice and the Environment Agency's Model Procedures for the Management of Land Contamination (CLR 11) (or equivalent British Standard and Model Procedures if replaced), and shall assess any contamination on the site, whether or not it originates on the site. The assessment shall include:
  - i) a survey of the extent, scale and nature of contamination;
  - ii) the potential risks to:
    - human health;
    - property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes;
    - adjoining land;
    - groundwater and surface waters;
    - ecological systems; and
    - archaeological sites and ancient monuments.
- 7) No development shall commence until an assessment of the risks posed by any contamination, carried out in accordance with British Standard BS

10175: Investigation of potentially contaminated sites - Code of Practice and the Environment Agency's Model Procedures for the Management of Land Contamination (CLR 11) (or equivalent British Standard and Model Procedures if replaced), shall have been submitted to and approved in writing by the local planning authority.

If any contamination is found, a report specifying the measures to be taken, including the timescale, to remediate the site to render it suitable for the approved development shall be submitted to and approved in writing by the local planning authority. The site shall be remediated in accordance with the approved measures and timescale and a verification report shall be submitted to and approved in writing by the local planning authority.

If, during the course of development, any contamination is found which has not been previously identified, work shall be suspended and additional measures for its remediation shall be submitted to and approved in writing by the local planning authority. The remediation of the site shall incorporate the approved additional measures and a verification report for all the remediation works shall be submitted to the local planning authority within 28 days of the report being completed and approved in writing by the local planning authority.