

Appeal Decision

Site visit made on 21 June 2022

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

an Inspector appointed by the Secretary of State

Decision date: 3 August 2022

Appeal Ref: APP/P0119/W/22/3293471

206 Henfield Road, Coalpit Heath BS36 2UJ

- 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 Elliot against the decision of South Gloucestershire Council.
 - The application Ref P21/02566/F, dated 1 April 2021, was refused by notice dated 22 October 2021.
 - The development proposed is Demolition of existing residential annexe, garage and storage shed and erection of 1no. dwelling with access, landscaping and associated works.
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Decision

1. The appeal is dismissed.

Applications for costs

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

Preliminary Matters

3. I have used the site description as set out in the appeal form. This is more accurate and concise than that set out in the application form.
4. The Council's fourth reason for refusal was due to the lack of information to consider the impact of the proposed building on trees. It is acknowledged that the Council did have the Arboricultural Impact Assessment (AIA) information with the original planning application, but the documents were misplaced. With this in mind, I am satisfied that no party, including the Council, would be prejudiced by my assessing the scheme with regard to it.

Main Issues

5. The main issues are:
 - Whether the proposal is inappropriate development in the Green Belt;
 - Whether the proposed development would provide a suitable location for housing, with regard to the Council's housing strategy;
 - The effect of the proposal on the character and appearance of the area, including the loss of trees;
 - The effect of the proposed development on the living conditions of occupants of 204 Henfield Road, with regard to privacy;

- If the development is inappropriate, whether the harm by reason of inappropriateness and any other harm is clearly outweighed by other considerations, so as to amount to very special circumstances necessary to justify the development.

Reasons

Inappropriate Development in the Green Belt

6. Paragraph 149 of the National Planning Policy Framework 2021 (the Framework) sets out the categories of development which may be regarded as not inappropriate in the Green Belt. New buildings within the Green Belt are inappropriate unless, amongst other things, they represent:
 - limited infilling or the partial or complete redevelopment of previously developed land whether redundant or in continuing use (excluding temporary buildings), but subject to the not having a greater impact on openness.
7. Policy CS5 of the South Gloucestershire Core Strategy 2013 (CS) states under Criterion 6c that proposals for development in the Green Belt will need to comply with the provisions in the NPPF or relevant local plan policies in the Core Strategy.
8. The proposed development would be situated within the rear garden of an existing terraced property. The rear garden is clearly defined by fence enclosures. It is not disputed that the proposed development would not amount to limited infilling, but there is some disagreement between the parties as to whether the area is built up and the land can be considered as previously developed land (PDL).
9. The Framework excludes land in built-up areas such as residential gardens from PDL, but it is accepted that residential gardens which are not in built up areas can be included within the definition of PDL. There is no definition of a built-up area within the Framework, and as such, I have determined the use of the words in ordinary English. The Collins Dictionary defines, 'built up' or 'built-up area' as an area such as a town or city which has a lot of buildings in it. With this definition in mind, the proposed development is adjoined by neighbouring residential dwellings, but the site is a rural setting, outside of a town or city. In my judgement, it is reasonable to consider that the site is outside of a built-up area, and so the site could be defined as PDL.
10. Turning to openness, paragraph 133 of the Framework states that the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belts are their openness and their permanence. Openness has both a visual and spatial dimension and the absence of visual intrusion does not mean that there is no impact on the openness of the Green Belt.
11. The appeal site includes 206 Henfield Road, its existing garden and two outbuildings and a small shed. The shed is small, but the detached garage and annex are larger single storey buildings with similar footprints. The most notable difference is that the annex outbuilding has a lower profile roof than the garage. The garage is visible from the front, via the gap where the shared access sits to the side of the host dwelling. The annex is situated further back and screened by the garage. As such, the outbuildings are single storey and are screened to a large extent from public vantage points. They are not therefore

visually conspicuous from either Henfield Road to the front or The Hollows to the rear.

12. The appellant has indicated that the volume of the new dwelling would be marginally smaller than the floor area and cumulative volume of the three existing outbuildings. However, this does not, on its own, determine that the single dwelling would have less impact upon openness. Firstly, the scale, bulk and massing of the existing buildings is mitigated by their single storey height and the breaking up of the footprint into three separate buildings. In contrast, the proposed dwelling would have a similar footprint but would be noticeably wider, taller and greater in length. In my judgement, the large footprint of the building coupled with its greater height would erode the current openness that is derived from the three separate, smaller and shorter buildings on the site.
13. The proposed dwelling would be set back further into the site, but the removal of the garage together with its larger footprint and height would result in a building that would be more appreciable from the gap at the front. Furthermore, its position towards the back, in combination with the increased height would make the proposed dwelling more prominent from the Hollows, a rural vehicular lane to the rear. This would be exacerbated during winter when the surrounding trees and hedgerow would provide less screening.
14. Consequently, the proposed development would lead to a building, which would have a greater impact on the openness of the immediate area than the existing buildings. Accordingly, the proposal is inappropriate development, which, by its very definition, is harmful to the Green Belt and should not be approved except in very special circumstances. It would therefore fail to accord with paragraph 149 of the Framework. Furthermore, it would conflict with Policy CS5 of the CS and Policy PSP7 of the South Gloucestershire Local Plan: Policies, Sites and Places Plan 2017 (LP), which, amongst other things, seek to maintain the openness of the Green Belt, and so are generally consistent with the Framework.

Location of Housing

15. Policy CS5 of the CS sets out the strategy for development and states that in the open countryside new development will be strictly limited. Policy PSP40 of the LP states that residential development in the open countryside outside of settlement boundaries will only be acceptable in a limited number of specified circumstances, such as rural housing exception initiatives, rural workers dwellings, replacement dwellings and conversions of existing buildings.
16. There is no evidence with the appeal that the site is within a settlement, or that the development is one of the exceptions set out within Policy PSP40 of the LP. As such, the proposed development for a dwelling, outside a settlement, would not comply with the Council's housing strategy or meet the specified exceptions in the open countryside. Consequently, the proposed development would represent an unjustified form of residential development in this location.
17. I acknowledge the site would have a similar level of accessibility to services and facilities as existing housing located on Henfield Road. The site is within a reasonable walking distance to a nearby bus stop. However, there is no bus shelter and Henfield Road has a single footpath with very limited lighting. Footways and lighting beyond the appeal site towards the more built-up area of Yate are also limited in this regard. Due to the distance that would have to be

walked or cycled, coupled with the limited walkway and lighting, occupants would most likely rely heavily upon private vehicles to access shops and facilities for everyday living. This is the least sustainable travel option.

18. Accordingly, the proposed site is not a suitable location for housing, with regard to the Council's housing strategy, conflicting with Policy CS5 of the CS and Policy PSP40 of the LP. These policies, in general, encourage development to occur within the existing settlement boundaries of towns and villages, to achieve a sustainable pattern of development and to protect the valuable setting provided by the rural areas. Moreover, the site has poor access to services and facilities for day-to-day living.

Character and appearance

19. Henfield Road is a rural location characterised by two storey terraced dwellings with a simple form, layout and design in spacious plots with long rear gardens. The properties have a consistent building line, set behind front gardens and driveways, which are largely open with low-lying enclosures. Single storey detached garages and outbuildings to the rear are a typical feature to the properties in this area. The spaces in between the built form provide views of the rear gardens and the countryside beyond. This provides a distinctive character and appearance to the area, which is enhanced by the rural setting, low density, openness and simple pattern of development.
20. The proposed development would be in the rear garden of No 206. It is an end of terrace two storey property, which is separated from the adjacent dwelling by a shared vehicle access. The rear garden is long and includes the single storey detached shed, garage and annex outbuilding. Despite extensions to the property, and the existence of detached outbuildings, the simple form and appearance of the main dwelling, as well as the openness at the rear have largely been maintained, contributing positively to the distinctive character and appearance of the area.
21. I appreciate that the design approach looks to replicate an annex building within the area. However, the design, scale and height of the proposal coupled with the number of openings is more reflective of a separate residential dwelling. The proposed dwelling would, therefore, be at odds with the shorter annex buildings in the area, and its greater scale and height would diminish the openness currently enjoyed to the rear.
22. The proposal would also be at odds with the residential properties that surround it. The existing terraced dwellings are within long, spacious plots, are two storeys in height, with a legible relationship to each other and the road. In contrast, the proposed dwelling would introduce a form of backland development that does not currently exist in the immediate setting. It would also be a detached building, which is lower in height within a less spacious and more constrained plot. As such, the siting, scale and height of the building would not only have an adverse impact upon the openness of the site but would also be at odds with the simple pattern of development present within the immediate locality. Accordingly, the proposed development would have an adverse impact on the character and appearance of the area.

23. The application was supported by an AIA. The AIA, which categorises trees based on guidance in British Standards¹, identifies that the nearest trees are Category B and C trees, which should be retained. The AIA states that the footprint of the proposed dwelling would be on an existing area of hardstanding and would be outside the calculated Root Protection Area of all existing trees. None of the trees are to be removed and no remedial works are expected to accommodate the proposed dwelling. As such, the dwelling would not impact on the character and appearance of the area, by virtue of the loss of any trees.
24. Accordingly, although the scheme would not result in the loss of trees, this is a neutral effect and does not overcome the adverse impact on the character and appearance of the area. The proposed development would conflict with the aims of Policies CS1 and CS34 of the CS and Policies PSP1 and PSP38 of the LP, which seek to ensure that proposed development will be of a high design quality, as well as protecting, conserving, and enhancing the rural areas' distinctive character.
25. The Council also cite Policy PSP3 of the LP. This policy seeks to protect the loss of existing vegetation on a site that is of importance in terms of ecological, recreational, historical or landscape. The proposal would not result in the loss of any of the trees identified, as such, I do not find that the proposal would conflict with Policy PSP3 of the LP.

Living conditions

26. Due to the proximity of existing houses, there is a risk of mutual overlooking and subsequent loss of privacy. The Council indicate that occupiers of the proposed dwelling would be able to view into the neighbouring private garden at 204 Henfield Road.
27. Having regard to the position and height of the rooflights, it would be possible to open and look out of them, within close proximity to private garden of No 204. However, even at its lowest edge, the height of the rooflight would restrict views upwards, rather than down and into the neighbours private garden. As such, the rooflight would not result in any meaningful views that would cause undue harm to the neighbours privacy at No 204.
28. The gable end windows on the front and rear would enable views towards the garden of No 204. Particularly the windows serving the rear master bedroom, which are wide and tall openings. However, the windows face the proposed garden of the new dwelling, with less direct views of the neighbours long garden, which would generally be in line with a level of mutual overlooking that is evident within the immediate locality. As such, these windows would not result in any undue loss of privacy to the garden of this neighbour.
29. Consequently, the dwelling would not unacceptably affect the living conditions of the occupants of No 204, having regard to privacy. As such, the proposed scheme would accord with Policies PSP8 of the LP, which in summary, seek to ensure new development does not prejudice the living conditions of neighbours.
30. The Council also cite Policy CS1 of the CS, but this refers to high quality design and does not refer to neighbours living conditions or impacts. As such, the proposal would not be contrary to CS1 in regard to neighbours living conditions.

¹ BS 5837: 2012 Trees in relation to design, demolition and construction – Recommendations

Other Considerations

31. I turn now to address other considerations that might clearly outweigh harm arising from inappropriate development in the Green Belt, to provide the very special circumstances required to justify a grant of planning permission. The appellant has not explicitly put forward any very special circumstances for why planning permission should be granted, although the provision of an additional dwelling could be considered to be a benefit. The proposal would make a positive contribution to the supply of housing in the area, along with the social and economic benefits associated with the construction of the development.
32. I have been referred to a comparable development² by the appellant. However, I only have a planning application reference and a description of the approved development. From such limited details, I can only give negligible weight to this matter.

Green Belt balance

33. In considering the substantial weight given to the harm to the Green Belt, to my mind, the benefits outlined above do not clearly outweigh the harm to the Green Belt. These benefits would also not outweigh the harm to the housing strategy or the impact on the character and appearance of the area I have outlined. Therefore, I find that the other considerations in this case do not clearly outweigh the harm that I have identified. Consequently, the very special circumstances necessary to justify the development do not exist and the development would conflict with the Framework and the relevant policies of the development plan outlined above.

Conclusion

34. 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

² referenced PK17/0687