



Appeal Decision

Site visit made on 12 August 2022

by James Blackwell LLB (Hons) PgDip

an Inspector appointed by the Secretary of State

Decision date: 16th August 2022

Appeal Ref: APP/P1615/W/22/3292365

Land adjacent to 6 Bowens Hill Road, Coleford GL16 8DU

- 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 Miss Cole of Coleford Properties against the decision of Forest of Dean District Council.
 - The application Ref P1994/20/FUL, dated 21 November 2020, was refused by notice dated 12 August 2021.
 - The development proposed is detached dwelling, associated parking and landscaping.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are the effect of the proposed development on:
 - highway safety, with particular regard to parking provision;
 - the character and appearance of the surrounding area; and
 - the living conditions of the occupiers of nos. 6-8 Bowens Hill Road, with particular regard to outdoor amenity space.

Reasons

Highway Safety

3. The Manual for Gloucestershire Streets (July 2020) Addendum (October 2021) (MfGS Addendum) says that dwellings with 3 – 4 bedrooms should provide a minimum of two car parking spaces. The guidance is explicit that “*car parking spaces must be external*” and that “*garages will not count towards the car parking regardless of their dimensions*”. Notwithstanding the integrated garage, the proposed development would include just one on-site parking space. The development would therefore fall short of the minimum parking requirement by at least one space.
4. There is also an existing shortfall of on-site parking for the occupiers of 6-8 Bowens Hill Road, both of which are occupied as houses in multiple occupation (HMOs). The Manual for Gloucestershire Streets (July 2020) (MfGS) says that a minimum of 2 on-site parking spaces should be provided for an HMO with 4 or more bedrooms, meaning there should be at least 4 spaces to properly serve these properties. Whilst there is a driveway running alongside the south-eastern flank elevation of no. 6, this can realistically only accommodate 2 vehicles. Notwithstanding the appeal site, this leaves a shortfall of 2 spaces.

5. Evidence suggests that the appeal site has previously been used for parking in connection with the HMOs, which would previously have helped mitigate against this shortfall. Irrespective of the current ownership position, development of the appeal site would therefore eradicate any potential for this land to accommodate parking in connection with the two HMOs, thereby entrenching the existing shortfall. The proposal would further compound this shortfall, owing to the additional lack of parking to serve the new dwelling.
6. The shortfall in on-site parking provision for both the new dwelling and the two HMO properties risks overspill parking on the surrounding road network. Given the nearby school, this is a particular concern, as demand for on-street parking in the area is already understood to be high. Indeed, many third-party representations attest to congestion issues, particularly during school drop off/pick-up times. Any overspill parking along the road would exacerbate these issues, which increases the potential for inconsiderate or obstructive parking and/or dangerous manoeuvring. In turn, this risks conflict between driver, cyclist and pedestrian movements, which elevates the risk of accident or collision.
7. For these reasons, the development's failure to provide sufficient on-site parking provision would risk unacceptable harm to highway safety. It would therefore conflict with both the MfGS and the MfGS Addendum. The development would also conflict with the provisions of the National Planning Policy Framework (2021), which seeks to ensure new development does not pose an unacceptable risk to highway safety.

Character and Appearance

8. The appeal site comprises a parcel of land which is adjacent to the south-eastern side of nos. 6–8 Bowens Hill Road. The area is primarily residential in character, and whilst house types are mixed, most properties are arranged in a coherent linear formation, with sizeable gardens to their rear. Whilst it is understood that the appeal site was previously used as outdoor amenity space in connection with nos. 6 - 8, the land is currently fenced off, and is physically separate from these properties. As a result, the land now forms a notable gap within the built-up frontage of the road, which interrupts the established rhythm of the street scene.
9. The proposed dwelling would infill this existing gap, which would add greater coherence to the pattern of development along this section of the road. The new dwelling would adhere to the linear arrangement of built-form by incorporating a garden to the rear, and would therefore be in-keeping in this regard. The design of the dwelling would also be sympathetic to the style of neighbouring properties, which would ensure its effective integration within the wider street scene.
10. On this basis, I am satisfied that the proposed development would preserve the character and appearance of the area. In this regard, the development would be consistent with Policies CSP.1 and CSP.4 of the Council's Core Strategy (2012) (Core Strategy), Policies AP1 and AP4 of the Council's Allocations Plan 2006 – 2026 (2018) (Allocations Plan) and Policies CH1 and CH2 of the Coleford Neighbourhood Development Plan (2017 – 2026) (Neighbourhood Plan). Together these policies seek to ensure new development achieves a high-quality and sustainable design, which is consistent with local character and existing settlement patterns. The development would also be consistent

with the overarching design principles of the Forest of Dean Residential Design, the National Design Guide and the National Planning Policy Framework (2021) (Framework).

Living Conditions

11. As mentioned, it is understood that the appeal site formerly comprised part of the outdoor amenity space used in conjunction with nos. 6–8 Bowens Hill Road. Nonetheless, given that the site is now physically fenced off, it is spatially and functionally separate from these properties. In reality, this means that the land no longer contributes to the amenity space of these HMOs, nor does it improve the associated living conditions of their occupiers. In turn, introducing a new dwelling within this land would not worsen the existing position with regard to amenity space, as the land is essentially redundant.
12. I am therefore satisfied that the development would not cause undue harm to the living conditions of the occupiers of nos. 6–8 Bowens Hill Road. In this regard, the development would be consistent with Policies AP1 and AP4 of the Allocations Plan and Policy CH2 of the Neighbourhood Plan, which together seek to ensure new development safeguards local amenity. The development would also reflect guidance in the Forest of Dean Residential Design Guide, the National Design Guide and the Framework, all of which promote a good standard of amenity for residential occupiers.

Other Matters

13. The Council cannot demonstrate a five-year supply of deliverable housing land and has failed to meet the Housing Delivery Test, which means its policies relating to delivery of housing are out of date. Paragraph 11(d)(ii) of the Framework (the “tilted balance”) is therefore engaged. Nonetheless, paragraph 219 of the Framework is clear that due weight should still be given to existing policies according to their degree of consistency with the Framework.
14. Paragraph 111 of the Framework says development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety. Given that the proposal’s impact on highway safety would be unacceptable in this instance, the content of the Framework reflects the overriding highway safety principles of the MfGS and the MfGS Addendum. Even accounting for the Framework’s objective of boosting the supply of housing and the Council’s housing land supply position, the conflict between the proposal and these development plan documents should therefore be attributed significant weight in this appeal.
15. The proposal would contribute to the Council’s housing stock. Whilst any increase is desirable, the net addition of one dwelling would only be a modest contribution in this instance. Consequently, I consider that the adverse impacts of the development in terms of harm to highway safety would significantly and demonstrably outweigh its benefits when assessed against the policies in the Framework taken as a whole. As a result, the presumption in favour of sustainable development does not apply in this instance.

Conclusion

16. The development would conflict with the development plan as a whole and there are no other considerations, including the provisions of the Framework, that would outweigh this finding. The appeal should therefore be dismissed.

James Blackwell

INSPECTOR