



Appeal Decision

Site visit made on 6 December 2022

by Helen Davies MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 8th December 2022.

Appeal Ref: APP/C1625/W/22/3302744

Land at 33 Kingsway, Dursley GL11 4DJ

- 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 G Williams against the decision of Stroud District Council.
 - The application Ref S.21/1784/FUL, dated 26 April 2021, was refused by notice dated 11 January 2022.
 - The development proposed is Erection of 1no. dwelling with associated works.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are:
 - The effect of the proposed development on the character and appearance of the site and the surrounding area;
 - The effect of the proposed development on the integrity of the Severn Estuary Special Area of Conservation (SAC), Special Protection Area (SPA) and Ramsar site, with regard to recreational pressure; and
 - The effect of the proposed access and layout arrangements on highway safety.

Reasons

Character and appearance

3. Kingsway is located within a residential area and contains predominantly two storey semi-detached dwellings. The dwellings sit in generous plots, with frontages set back from the road and good sized gardens to the rear. Kingsway is a cul-de-sac with the end being open and at a higher level than the flats and dwellings beyond it. Together, this gives Kingsway a spacious and open character, particularly at the cul-de-sac end which provides views to the countryside beyond.
4. 33 Kingsway and its semi-detached pair at 35 Kingsway, are located off to the side at the cul-de-sac end of the road, with their frontages at 45 degrees to the rest of the street. They sit in generous plots with the majority of the garden area to the front. The front garden of No 33 is separated from the road by an existing row of flat roof garages giving it an enclosed and private character.

5. The proposal would locate a two storey detached dwelling within the front garden of No 33. The scale and location of the proposed dwelling would fill a significant proportion of what is currently open garden space. This would result in both the proposed new dwelling and No 33 being set within relatively small plots, with much of the outside space dedicated to vehicle parking and turning.
6. The layout of No 33 is already different to the rest of Kingsway with regard to orientation and relative location of garden space. Despite this, No 33 has the generous plot size and dwelling to plot proportions that characterise the rest of Kingsway. The proposal would result in 2 dwellings where the plot size and dwelling to plot proportions would be significantly out of keeping with the predominant layout, pattern, grain and density of the rest of Kingsway.
7. Although off to the side of the road, the height and mass of the proposed dwelling would also reduce the sense of openness at the end of Kingsway. There would be limited visibility of the proposal from the top end of Kingsway, and the garages would provide some screening of the ground floor. However, the proposal would be highly visible from the cul-de-sac end and from the flats beyond.
8. Taken together, and regardless of the lack of any specific landscape designation, the above factors mean that the proposal would not respect or reflect the character and appearance of the surroundings and would have a detrimental impact on the streetscene.
9. I conclude that the proposed development would result in significant harm to the character and appearance of the site and the surrounding area. Consequently, the development would not comply with Policies HC1, CP8 and CP14 of the Stroud District Local Plan 2015 (LP) and Policies H1 and D1 of the Dursley Neighbourhood Development Plan (DNDP). Together these policies seek to ensure that development is well designed and respects the local context.

SAC

10. The site is located within the identified core catchment area of 7.7km from the Severn Estuary SAC, SAP and Ramsar site. The Council has adopted an interim strategy which requires each new dwelling to pay a specified contribution to projects that relieve the recreational pressure on the designated site or to provide its own bespoke mitigation. No contribution or bespoke mitigation was put forward at the time of the application.
11. Under this appeal, the appellants have submitted a draft Unilateral Undertaking (UU) relating to the contribution. However, the submitted UU is unsigned so I can afford it no weight. As I am dismissing the appeal on other grounds, I have not considered this matter further or sought a signed UU. Therefore, in the absence of a signed UU, I conclude that the proposed development would not provide adequate mitigation for its impact on the integrity of the Severn Estuary SAC, SAP and Ramsar site, with regard to recreational pressure, and fails to comply with Policy ES6 of the LP.

Highway safety

12. Revised plans, with additional detail on parking arrangements and bike and bin storage, were submitted with this appeal. On the basis of these revised details, I am satisfied that the proposal would be served by a safe and suitable access,

with adequate space on-site for parking and manoeuvring, to ensure that highway safety would be maintained. The Council have reviewed the revised details and confirmed that they consider the changes overcome the highway reason for refusal, subject to a condition to secure implementation.

13. I conclude that the proposed access and layout arrangements would not cause harm to highway safety. Consequently, the development would comply with Policy CP13 of the LP, and the relevant elements of the Gloucestershire Local Transport Plan 2015-2031 and chapter 9 of the National Planning Policy Framework (the Framework), which together, seek to ensure safe and sustainable travel.

Other Matters

14. My attention has been drawn to examples of other planning decisions in the area. Full details of these are not before me, but I have considered the information provided and viewed the example at 33 Kingsdown during my site visit. I acknowledge that the examples are visible within the streetscene, but the site, location and design of each is quite different to this appeal, meaning they are not read in the same context as the proposal before me. In any event, each case must be considered on its own merits, circumstances, and situation and there do not appear to be direct parallels between the examples and the proposal subject to this appeal.
15. I note that the DNDP supports the use of brownfield land, but as this is a garden in a built-up area, it does not classify as brownfield or previously developed land, as defined in the Framework. The general support for new dwellings in sustainable locations such as this, from the LP, the DNDP and the National Planning Policy Framework, does not outweigh the harm I have identified.

Conclusion

16. For the reasons given above and taking into account the development plan as a whole and all other relevant material considerations, the appeal is dismissed.

Helen Davies

INSPECTOR