
Appeal Decision

Site visit made on 12 December 2022

by J Hills MRTPI

an Inspector appointed by the Secretary of State

Decision date: 09 January 2023

Appeal Ref: APP/P0119/W/22/3304407

33 The Park, South Gloucestershire, Kingswood BS15 4BL

- 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 R Harrison against the decision of South Gloucestershire Council.
 - The application Ref P22/00637/F, dated 7 February 2022, was refused by notice dated 17 May 2022.
 - The development proposed is described in the application as erect detached 2 bed house and garage.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are the effect of the development on the character and appearance of the area; and whether the proposed development would provide acceptable living conditions for future occupiers of the dwelling concerned, with particular regard to internal light, outlook and privacy.

Reasons

Character and appearance

3. The appeal site is within the rear garden of a well-presented and established cluster of large semi-detached properties that are characterised by their hipped roofs and generous, open plots that can be appreciated from various vantage points. These properties back onto a tall, characterful sweeping stone and brick boundary wall that runs adjacent to Church Road. This section of wall makes a particularly positive contribution to the setting and distinctiveness of the area.
4. Although there may be other outbuildings in the locality that might not harmfully affect their host, I did not observe any of a comparable scale to the proposed property within the immediate area. Despite the presence of flatted development within the wider area and the proposed development being smaller, lower and subservient when compared with the host building, it would nevertheless introduce a two-storey building that would consume a large proportion of the host property's rear garden width. This would result in an isolated and discordant building that would appear out of place within the context of the open and generous plot and environs it would sit within.
5. The proposed red brick gable and window detailing would reflect that of the Victorian factory building. However, the proposed flat roofed porch and cropped hip roof design would be particularly visible and not reflective of the

architecture found in the area. Moreover, the proposal would require the reduction in height of a section of characterful stone wall that is a complimentary feature within the context of the factory building. This would have the effect of harmfully eroding the wall's existing simple architectural rhythm and detailing. For these reasons, the proposal would appear out of place and would fail to respond constructively to buildings and characteristics distinctive to the local area.

6. Therefore, I conclude on this main issue that the proposal would cause harm to the character and appearance of the area. As such, the proposed development would be in conflict with Policy CS1 of the South Gloucestershire Local Plan: Core Strategy 2013 (CS), and Policies PSP1 and PSP38 of the South Gloucestershire Local Plan: Policies Sites and Places Plan 2017 (PSPP) which amongst other things seeks development that promotes high quality design and responds positively to local distinctiveness.

Living conditions

7. Although the proposal would be set into the site and relatively close to the proposed boundary fencing, light into its open-plan ground floor would nevertheless be gained via a rooflight, a large window and bi-fold doors. Furthermore, the site is not overshadowed by trees or other buildings and in the absence of any substantive evidence to the contrary, I find that the scheme would provide sufficient internal light for future occupiers.
8. Whilst outlook from the proposed dining area would be somewhat limited by the close proximity of the intended rear fencing, more expansive views towards trees and the wider area would still be possible from the wide opening bi-fold doors serving the majority of the proposed open-plan space. Therefore, the proposal would provide acceptable living conditions in respect of outlook.
9. Even if the proposed external amenity space were to fall just short of the 50sqm promoted within Policy PSP43 of the PSPP, this figure is a guide rather than a minimum requirement. Wrapping around the side, rear and front of the proposed dwelling the shape and size of proposed external amenity space would be limited but sufficient for everyday activities such as drying clothes or sitting outside for example, which would meet the needs of potential future occupiers. However, the Policy requirement is that this space functions privately. Although the appellant suggests privacy could be addressed by landscape design or screening, this would not be appropriate as the proposed lowered wall fronting the pavement of Church Road is necessary to achieve suitable visibility splays. Consequently, there would be unavoidable close range and unobstructed views into and out of the majority of the proposed garden, which would not provide functional private external amenity space.
10. Therefore, I conclude on this main issue that the proposal would not provide acceptable living conditions for future occupiers of the dwelling concerned, with particular regard to privacy. For the above reasons, the development would be contrary to Policies PSP8 and PSP43 of the PSPP which in this respect seek developments that deliver functional private amenity space.

Other Matters

11. The proposal would be energy efficient, meeting recognised space standards. It would provide off-street parking and add to the existing housing stock in a

location that is close to local services and facilities. However, any such beneficial features would not outweigh the harm I have identified. Additionally, it has not been shown that the property would meet the definitions of affordable housing as set out in the Framework or that there would be a way to secure such accommodation before me.

Conclusion

12. For the reasons above, and taking into account all other matters raised, I conclude that the proposed development would fail to accord with the development plan as a whole and there are no considerations individually or cumulatively that outweigh this. Therefore, the appeal is dismissed.

J Hills

INSPECTOR

