



Appeal Decisions

Site visit made on 20 March 2023

by Helen Davies MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 27th March 2023.

Appeal A Ref: APP/C1625/W/22/3310407

40 Rosebery Road, Dursley GL11 4PU

- 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 R Williams against the decision of Stroud District Council.
 - The application Ref S.22/0353/FUL, dated 15 February 2022, was refused by notice dated 3 May 2022.
 - The development proposed is Erection of dwelling with associated works.
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Appeal B Ref: APP/C1625/W/22/3310408

40 Rosebery Road, Dursley GL11 4PU

- 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 R Williams against the decision of Stroud District Council.
 - The application Ref S.22/1196/FUL, dated 30 May 2022, was refused by notice dated 21 July 2022.
 - The development proposed is Erection of attached dwelling with associated works.
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Decision

1. Appeal A is dismissed.
2. Appeal B is dismissed.

Preliminary Matters

3. As set out above there are two appeals on this site, both for 2 storey dwellings to the side of the existing dwelling. They differ in that Appeal A is for a detached 3 bed dwelling and Appeal B is for an attached 2 bed dwelling. I have considered each proposal on its individual merits, but to avoid duplication I have dealt with the proposals together, except where otherwise indicated.

Main Issue

4. The main issue in Appeal A and Appeal B is the effect of the proposed development on the character and appearance of the site and the surrounding area.

Reasons

5. 40 Rosebery Road is one half of a pair of semi-detached dwellings in a residential area. It sits within a roughly triangular shaped plot at the end of a run of 3 pairs of semi-detached dwellings of similar design, each with hipped roofs. The opposite side of the road consists of short terraces featuring gabled frontages at the end of each run. The appeal site is on the corner of the entrance to Gwilym Close which contains a short terrace set back behind

Rosebery Road. To the other side of the entrance into Gwilym Close, 36, 38 and 38a Rosebery Road form a short terrace.

6. Dwellings have no unified design or materials, but this section of Rosebery Road has clear and generous gaps between blocks of built form, including the wider gaps created by the entrance to Gwilym Close and the access driveway between Nos 42 and 44. There is also a strong and consistent building line, with dwellings set well back from the road. The gaps and setbacks give this section of Rosebery Road a pleasant open and spacious character, enhanced by glimpsed views of wooded hills beyond the settlement.
7. Nos 36 to 38a are more recent additions to Rosebery Road and sit at an angle to the road, forward of the building line and with a smaller setback from the road. However, the side elevation of No 38a is set away from the boundary with the entrance to Gwilym Close which helps to retain the openness of the corner.
8. Both appeals would add a dwelling to the side of the existing dwelling, spanning almost the entire width of the currently open frontage. This would result in two storey built form right up to the side boundary with Gwilym Close, albeit staggered to accommodate the irregular site shape. This would reduce the gap between built form, close down the corner plot and impact negatively on the sense of openness which is characteristic of the area.
9. While most dwellings in the area sit within a generous plot, there are a few with small gardens. I consider the gardens proposed under Appeal A and B, for both the existing and the proposed dwelling, to be of a size and shape that is less than might generally be expected from a 2 or 3 bed house. However, the Council did not refuse the application on this basis and the gardens would be sufficient to serve the basic needs of the dwellings. Notwithstanding this, the small gardens, combined with the lack of offset from the side boundary, would add to the sense of both proposals being too big for the available space and an overdevelopment of the site.
10. The dwelling proposed under Appeal A would be detached. The gap between it and the existing dwelling would be significantly less than is characteristic of the area, exacerbating the sense of it being cramped within the site. In addition, it would sit forward of the established building line, closer to the road, and would have a roof form different to the existing run of semi-detached dwellings. While the building line and roof form on their own may not warrant refusal of Appeal A, they would increase the prominence of an already incongruous dwelling.
11. The dwelling proposed under Appeal B would be attached to the existing dwelling and would maintain the established building line and setback. However, the staggered side elevation, necessitated by the site shape, would result in a roof form with a stepped ridge to the front. This would unbalance the existing pair of semi-detached dwellings to which it would be attached as well as being at odds with the currently consistent run of 3 sets of semi-detached dwellings. It would also appear unlike the other short terraces in the area meaning the proposal under Appeal B would also be incongruous.
12. Overall, the scale, layout and design of the dwelling proposed under both appeals, when combined with the constraints of the site in terms of size and shape, would result in a development that appeared cramped and out of keeping with the streetscene.

13. I acknowledge the variation in design, orientation and building line at Nos 36 to 38a. However, there is a clear break in built form and street frontage created by the entrance to Gwilym Close. Consequently, the proposed dwelling would primarily be read in association with No 40 and the other pairs of semi-detached dwellings, rather than in association with Nos 36 to 38a. Local policy seeks to achieve a housing density as high as possible. However, it states that this must be without having unacceptable impacts on townscape or streetscene, which would not be the case with either proposal.
14. I conclude that the development proposed in both Appeal A and Appeal B would cause unacceptable harm to the character and appearance of the site and the surrounding area. Consequently, the development would not comply with Policy HC1 and CP14 of the Stroud District Local Plan (November 2015). Together, amongst other things, these policies seek to ensure that development is appropriately designed and of a scale, density and layout that is compatible with and respectful of the character and appearance of the area.

Other Matters

15. I have been made aware of examples of other planning decisions in the area, full details of which are not before me. Based on the information provided, it appears that the site context and the nature of the development in the examples differ from the proposal before me under both appeal A and B. Direct comparisons are therefore not readily made. I have determined this appeal on its own merits, circumstances, and situation, in accordance with the development plan. Specific reference is made to a recent development to the rear of the site, accessed via the driveway between Nos 42 and 44 Rosebery Road. This is set well back, surrounded by garages, and is largely hidden within the streetscene. In addition, the development replaced a garage with a similar footprint rather than closing an existing gap. Consequently, the context and the impact of this development are very different to the proposals under appeal A and B.
16. The National Planning Policy Framework, along with the LP and the Dursley Neighbourhood Development Plan 2018-2031, support the development of new housing in sustainable locations within settlements, including suitable small, windfall and brownfield sites. The location is sustainable, but this is an expectation and does not outweigh the harm identified. As set out above the site is not suitable for the proposal under either Appeal A or Appeal B.

Conclusion

17. For the reasons given and taking into account the development plan as a whole and all other relevant material considerations, I conclude that both Appeal A and Appeal B should be dismissed.

Helen Davies

INSPECTOR