



Appeal Decision

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 Ref: APP/G1630/W/22/3305190

1 Long Eights, Northway, Tewksbury, Gloucestershire GL20 8QZ

- 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 Jacek Karol Lesniewski against the decision of Tewkesbury Borough Council.
 - The application Ref 21/00776/FUL, dated 24 July 2021, was refused by notice dated 16 February 2022.
 - The development proposed is described as 'Development of 1 Long Eights by creation of a new dwelling unit on the intersection of Long Eights and The Park'.
-

Decision

1. The appeal is dismissed.

Preliminary Matters

2. The application was refused on the basis of the Gloucester, Cheltenham and Tewkesbury Joint Core Strategy 2011-2031 (Adopted December 2017) (JCS), with due consideration given to emerging policies in the Pre-Submission Tewkesbury Local Plan, October 2019. The Tewkesbury Borough Local Plan 2011-2031 (LP) was subsequently adopted (June 2022). The courts have confirmed that Inspectors need to make their decisions on the basis of the development plan in place at the time of their decision, which in this case now includes the LP, alongside the JCS. Since the adoption of the LP, the Council has submitted an appeal statement indicating the relevant policies in the LP, to which the appellant has had the opportunity to respond.

Main Issues

3. The main issues are:
 - The effect of the proposed development on the character and appearance of the area; and
 - Whether the proposed development would provide suitable flood risk management and surface water drainage.

Reasons

Character and Appearance

4. 1 Long Eights is a semi-detached dwelling located in a spacious and visually prominent plot on the corner of Long Eights and The Park. The section of Long Eights closest to the corner is characterised by pairs of semi-detached dwellings, some of which have been extended, but a general consistency in design, detailing and scale has been retained.

5. The Park contains semi-detached and detached bungalows along one side, with generous gaps between them and set well back from the road with a consistent building line. The other side of The Park is a public open space. Together these factors give The Park a pleasant open and spacious character.
6. The proposal would remove a single storey extension and add a two-storey detached dwelling to the side of No 1, fronting onto The Park. When viewed from Long Eights, the proposal would introduce the gabled side elevation of a detached dwelling, with a prominent bay window, into the streetscene. This would be at odds with the immediate streetscene characterised by semi-detached dwellings with pitched roofs fronting the road and simple flat windows. Although only by a modest amount, the eaves and roof ridge would be higher than the existing dwelling at No 1. The gap between the existing and new dwelling would be limited resulting in a cramped appearance.
7. When viewed from The Park, the proposal would introduce a two-storey dwelling to a section of streetscene characterised by single storey dwellings¹. The proposed layout would result in two storey built form being located very close to the boundary at the corner, with very limited setback from the road and breaking the building line established by the neighbouring dwellings on The Park. The existing single storey side extension and fencing are significantly less prominent elements on the corner than the proposal would be.
8. Taken together, the scale, layout and design of the proposal would result in a dwelling that failed to reflect the surrounding urban grain and was out of keeping with the height and detailing of neighbouring dwellings. Consequently, the development would appear incongruous, cramped and visually intrusive. The detrimental impact would be exacerbated by the prominent location of the site, on a corner, opposite an area of open space. The proposed dwelling would also close down the corner impacting negatively on the sense of openness which is characteristic of the area.
9. I conclude that the proposed development would cause unacceptable harm to the character and appearance of the area. Consequently, it would not comply with Policies SD4 and SD10 of the JCS and RES5 of the LP. Furthermore, it would not comply with Paragraph 130 of the National Planning Policy Framework. Together, amongst other things, these policies seek to ensure that the design and layout of development responds positively to and integrates with the character and appearance of the site and the surrounding area.

Flooding Risk and Drainage

10. The information submitted by the appellant in their appeal statement of case indicates that an acceptable approach to flood risk management and surface water drainage could be incorporated into the design of the proposals. This would include elements such as porous paving under the parking area. Based on the information before me, if the proposal were acceptable in all other regards, it would be reasonable to secure suitable details through the imposition of planning conditions. Therefore, I conclude that the proposed development could provide suitable flood risk management and surface water drainage, so would comply with Policy INF2 of the JCS and Policy ENV2 of the LP, subject to approval of suitable details under planning conditions.

¹ Some of which have added dormers in the roof.

Other Matters

11. Both the Council and the Appellant have pointed out a few mistakes made in the Council delegated report, and I note the lack of objection from the urban design officer. I have made my decision based on all submissions and plans and in light of a site visit.
12. The proposal would make a small contribution to the supply of housing in the area and would be a windfall site within a settlement. This does not outweigh the harm identified, particularly in an area which can demonstrate the necessary 5 year housing land supply.

Conclusion

13. For the reasons given and taking into account the development plan as a whole and all other relevant material considerations, I conclude that the appeal should be dismissed.

Helen Davies

INSPECTOR