



Appeal Decision

Site visit made on 20 March 2023

by Tamsin Law BSc MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 12 April 2023

Appeal Ref: APP/P1615/D/22/3305167

Meadowside, Gloucester Road, Gloucestershire, Hartpury GL19 3BT

- 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 & Mrs Troy Overthrow against the decision of Forest of Dean District Council.
 - The application Ref P0608/22/FUL, dated 1 May 2022, was refused by notice dated 7 July 2022.
 - The development proposed is described as 'two storey side and rear extension.'
-

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 host building and surrounding area; and on protected species.

Reasons

Character and Appearance

3. The appeal site is in a predominantly residential area characterised by detached single and two-storey dwellings situated on large plots. The properties vary considerably in their individual design characteristics and form; however, many properties are finished in render and brick. The road has a pleasant green environment, with grass verges and boundary hedgerows. Properties are set back from the road behind front gardens and parking areas.
4. The host dwelling is a single storey dwelling located on a large plot accessed off Gloucester Road which leads to the centre of Hartpury. The proposed two storey extension would extend the width of the property toward the neighbouring boundary, requiring the partial demolition of an existing outbuilding. The extension would be set back from the principal elevation, being located to the rear of the side and rear of the host dwelling and would be two storeys in height. The proposed extension would be constructed in matching materials to the main dwelling.
5. From the street scene, due to its location to the rear of the host dwelling, views when travelling from Hartpury north along Gloucester Road would be limited by the neighbouring dwelling. However, from the road and pavement in front of the dwelling and when travelling south along Gloucester Road the proposed extension would be visible. The development would add height and bulk to the

dwelling, which would alter the architectural character of the property. The proposed two storey extension, when viewed with the single storey existing dwelling, would cause an imbalance, and create an incongruous addition that would be a dominant and prominent addition to both the host dwelling and the street scene.

6. My attention has been drawn to the assorted designs of dwellings in the immediate area. Whilst there is a variety of dwelling types and designs, this does not overcome the harm I have identified with regard to this proposal.
7. For the reasons given above, the proposed development would cause harm to the character and appearance of the host dwelling and the surrounding area contrary to Policy CSP.1 of the Forest of Dean District Council Core Strategy (2012) (CS), Policies AP 1 and AP 4 of the Forest of Dean District Council Allocation Plan (2016) (AP) and the guidance contained within the Forest of Dean Residential Design Guide – Alterations & Extensions (2002) (RDG) which together seek, amongst other things, to ensure that development is of a high quality design that makes a positive contribution to the area and that extensions should not dominate the original building. The proposed development would also be at odds with paragraph 130 of the National Planning Policy Framework (Framework) and the National Design Guide (NDG) which seek to ensure developments are visually attractive and sympathetic to local character.

Protected Species

8. Paragraph 174 of the Framework refers to amongst other things, protecting and enhancing sites of biodiversity, and minimising impacts on and providing net gains for biodiversity. Paragraph 180 indicates that if significant harm to biodiversity resulting from a development cannot be avoided, adequately mitigated or as a last resort, compensated for, planning permission should be refused.
9. The Planning Practice Guidance states that an ecological survey will be necessary in advance of the planning application if the type and location of development could have a significant impact on biodiversity and existing information is lacking or inadequate
10. Natural England's standing advice regarding the potential presence of bats explains that surveys would be required if a proposed development is close to woodland or water and has cracks, crevices, and small opening. Natural England's standing advice about the potential presence of Great Crested Newts explains that a survey should be undertaken if there is a suitable water body up to five hundred metres of the development.
11. During my site visit I noted that there was a water body to the north of the site, trees, and hedgerows nearby and there were cracks and small openings in both the host dwelling and the outbuilding to be partially demolished. There is therefore a reasonable likelihood that a protected species is present within the site. The appellant has not provided a desk study or walkover study to offer a contrary view. Consequently, a survey of the appeal site is necessary to determine the habitat status of the site. A planning condition would not be an appropriate approach to determine the required mitigation. As such, this matter would require resolution prior to the issuing of any planning permission.

Consequently, the proposal has the capability to cause significant harm to a protected wildlife species.

12. Accordingly, I conclude that it has not been demonstrated satisfactorily whether any protected species which may be present would be adequately protected and the extent to which they may be affected by the proposed development.
13. For the reasons outlined above I conclude that it has not been demonstrated that the scheme would avoid or adequately mitigate unacceptable harm to protected species. The scheme would therefore conflict with CS Policy CSP.2 and AP Policies AP 7 and AP 8 which together seek, amongst other things, to ensure that development CS17 which seeks, amongst other things, to ensure that developments safeguard biodiversity features and support habitats and do not prevent or restrict network connections. The proposal would also conflict with paragraphs 174 and 180 the Framework that seeks to protect and enhance sites of biodiversity value.

Other Matters

14. I accept that it is the appellant's intention to use the extended living accommodation to provide care for relatives and recognise the personal benefit to those relatives in this arrangement. However, this would be a private benefit which would not outweigh the harm that I have identified. Similarly, the greater disruption to the layout of the existing property which other options for an extension might involve is not a matter to which I can give great weight.

Conclusion

15. The proposal would be contrary to the development plan as a whole and there are no other material considerations, including the approach of the Framework, which outweigh this finding. I therefore conclude that the appeal should be dismissed.

Tamsin Law

INSPECTOR