



Appeal Decision

Site visit made on 18 April 2023

by Helen Davies MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 5th May 2023.

Appeal Ref: APP/P0119/W/22/3313179

Melrose House, Charfield Hill, Charfield, South Gloucestershire GL12 8LH

- 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 D Hawkins of ATZ Homes Ltd on behalf of Tankard Developments Ltd against the decision of South Gloucestershire Council.
 - The application Ref P22/05482/F, dated 15 September 2022, was refused by notice dated 10 November 2022.
 - The development proposed is demolition of existing conservatories and garage and erection of single storey side extensions at Melrose House; Extension of existing outbuilding to facilitate conversion to 1no dwelling; Erection of 4no detached dwellings, with access, parking and associated works.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. I have used the description of development given in the appeal form. It is fundamentally the same as given in the application form but more clearly and accurately describes the proposal.
3. The site has extant permission, granted on 19 August 2022 under application reference P21/06766/F, for a similar proposal, but with 3 new dwellings. Under the proposal subject to this appeal, the works to Melrose House itself, the conversion and extension of the outbuilding and the access and road layout arrangements are fundamentally unchanged from the extant permission. The Council have not refused the application based on these elements.
4. The proposal subject to this appeal includes 4 new dwellings to the rear of the site, rather than the 3 that were previously approved. It is this increase in the number of dwellings and the associated change in layout, along with some changes in materials detailing, that form the basis for the Council reasons for refusal. Therefore, I will consider only these elements under this appeal as the other elements already benefit from planning permission.

Main Issues

5. The main issues are the effect of the proposed development on:
 - The character and appearance of the site and the surrounding area; and
 - The living conditions of the occupants of the dwelling known as Three Corners, with regard to outlook.

Reasons

Character and appearance

6. The site contains an attractively detailed detached dwelling set well back from the road in a wide plot, along with the remains of an outbuilding and a large garden to the rear. The dwelling is locally listed, primarily for its style and fabric, but the spacious and open setting within which it sits also contributes to its significance. Surrounding dwellings are a mix of one and two storeys, predominantly detached and set within good sized plots. There are generous gaps between dwellings providing clear and distinct visual separation between built form, especially above ground floor level. The site makes a positive contribution to the surrounding area, which has a semi-rural character.
7. The extant permission relates to three detached two storey dwellings towards the rear of the site. In the extant permission, the new dwelling to the east would be set back from the other two and the central dwelling would have an attached single storey garage to one side providing a clear and significant break above ground floor level between it and the dwelling to the west. To accommodate the fourth dwelling, the proposal subject to this appeal would move the dwellings to the west and east closer to the boundary, and in the centre, one dwelling with an attached garage to the side would be replaced with two dwellings with garages to the front. The result of the revised proposal would be a row of closely located dwellings, with limited separation across the full height, spanning the width of the site.
8. Therefore, between the extant permission and the appeal proposal, the development has lost a significant visual break in built form and spread across more of the width, albeit modestly. This would result in a development with a cramped and confined appearance. Despite being located behind the existing dwelling, the proposal would be visible from outside of the site and would result in a development that was out of keeping with the character of the area and detrimental to the setting of the non-designated heritage asset.
9. Information provided by the Council indicates that the proposed density of the site would be considerably in excess of the area to the west, but not much higher than the area to the east. Consequently, on its own, the proposed density is not necessarily unacceptable. However, the increase in density in this case has resulted in issues with layout and scale, as set out above. The general design of the individual dwellings is similar to the extant permission. Details of materials and elements such as red brick quoins could be secured by condition, if the proposal were otherwise acceptable.
10. I conclude that the proposed development would cause unacceptable harm to the character and appearance of the site and the surrounding area. Consequently, the development would not comply with Policies CS1 and CS9 of the South Gloucestershire Local Plan: Core Strategy (Adopted December 2013); Policies PSP1 and PSP17 of the South Gloucestershire Local Plan: Policies Sites and Places DPD (Adopted November 2017) (PSP); and Policies 002 and 005 of the Charfield Neighbourhood Plan (Adopted January 2021). Together, amongst other things, these policies seek to ensure that development is of high-quality design that respects and responds to local character and distinctiveness and protects heritage assets. Furthermore, the proposal would not accord with paragraph 130 of the National Planning Policy Framework which seeks to secure well designed places.

Living Conditions

11. The proposed dwelling in the east of the site, shown on the plans as Plot 4 would be close to the boundary with the existing neighbouring dwelling called Three Corners. Although the equivalent dwelling in the extant permission would also be close to the boundary, the proposal subject to this appeal moves the dwelling even closer. The Council state that at its closest, the dwelling in Plot 4 would be around 1m from the boundary. In addition, the plans show that the dwelling would be further forward than in the extant permission, bringing its side elevation to a position which is further into the field of view from the windows in the rear and side elevations of Three Corners and from its garden.
12. Due to the proximity of the proposed new dwelling to Three Corners, with a two storey gabled side elevation close to the boundary, the development would be a dominant and visually oppressive feature. It would have an overbearing effect, which would unacceptably dominate the outlook from habitable rooms and the garden of Three Corners. The equivalent dwelling in the extant permission would also have a detrimental impact on the outlook from Three Corners. However, although the change in the proposed location is modest, it increases the detrimental impact to a point where it would be unacceptable. This impact would be exacerbated by the fact that Three Corners has a modest and irregular shaped garden.
13. The new dwelling to the west would be closer to the boundary with the dwelling called Shabani than the equivalent in the approved scheme. Despite this, the relative positions of the dwellings and the garden size mean the impact on the living conditions of the occupants of Shabani would be acceptable.
14. I conclude that the proposed development would cause unacceptable harm to the living conditions of the occupants of the dwelling known as Three Corners, with regard to outlook. Consequently, the development would not comply with Policy PSP8 of the PSP which seeks to prevent unacceptable impacts on residential amenity of nearby properties, including as a result of being overbearing and dominant.

Other Matters

15. The site is in a sustainable location, with an acceptable access and parking. Drainage, ecology, archaeology and landscaping could all be dealt with via conditions. However, these are policy expectations rather than benefits of the proposal. The proposal would provide additional housing for the area on a small site but the application subject to this appeal would provide only 1 more house than the scheme which already has permission. In addition, I have been presented with no substantive information to suggest that the Council cannot demonstrate a 5 year housing land supply. Consequently, any modest benefits of the proposal do not outweigh the harm 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