



Appeal Decision

Site visit made on 5 May 2023

by Lewis Condé Msc, Bsc, MRTPI

an Inspector appointed by the Secretary of State

Decision date: 13 June 2023

Appeal Ref: APP/C1625/W/22/3312118

The Paddocks, Ryalls Lane, Cambridge, Gloucestershire GL2 7AT

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a failure to give notice within the prescribed period of a decision on an application for planning permission
 - The appeal is made by Mr Cen Davies against Stroud District Council.
 - The application Ref S.22/1584/HHOLD, is dated 18 July 2022.
 - The development proposed is described as 'Proposed first floor extension above part of the existing ground floor property'.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The site address in the banner heading above has been taken directly from the original planning application form, albeit I note that the property has instead been referred to as 'The Old Stables' on the appellant's appeal documents/form.
3. Whilst the Council did not issue a decision on the planning application, it has provided a statement setting out the reasons why it would have refused planning permission. This has informed the main issues of the appeal.
4. In its appeal statement, the Council has referred to the impacts of the proposal on the adjoining residential property referred to as 'Bruin'. However, from the appellant's and third-party correspondence, as well as my observations on site, I understand that the relevant dwelling is instead named 'The Broch'. I have therefore referred to it as such within my report.

Main Issues

5. The main issues are the effect of the proposed development on: a) the character and appearance of the host property and surrounding area; b) the living conditions of neighbouring occupiers of 'The Broch' with regard to privacy; c) biodiversity; and d) the setting of the nearby listed building.

Reasons

Character and Appearance

6. The appeal property is a single storey dwellinghouse. It is located to the north of Ryalls Lane, off the A38 and sits alongside the River Cam. The site is located alongside a cluster of dwellings off Ryalls Lane, but bounds onto a largely open field to the west. Properties nearby vary in their scale and appearance, albeit

are predominantly detached, two-storey dwellings. Despite its proximity to the nearby A38 and neighbouring built form, the surrounding area retains a rural character.

7. I understand that planning permission was granted for the current dwelling at the appeal site in 2013. I am informed that it replaced a former historic single storey barn and associated pig-stye, with its scale and design drawing cues from the historic agricultural building(s). However, I have been provided with no precise details of the form or appearance of the former buildings at the site.
8. Nevertheless, I find the appeal building displays an agricultural character and despite being a dwellinghouse, it does not clearly read as a domestic building from public vantage points. Indeed, the existing building has a rather simple and pleasing form which is largely due to its functional design, linear, single storey nature and its use of limited palette of materials.
9. The proposed first floor extension would incorporate a roof pitch to match that of the existing building. The proposal would also utilise existing roof tiles, whilst the proposed external materials would be generally suitable in retaining an agricultural vernacular. Due to the size of the plot and the existing dwelling, the proposal would also not appear as a cramped form of development.
10. Despite this, the proposed development would give the building a much bulkier and more domesticated character, particularly along its north-eastern boundary which currently does not contain any fenestration. The additional storey would notably detract from the simple character and form of the host building, which is largely derived from its single storey design. Whilst there may be several two-storey properties nearby, this does not overcome the harm that the proposed works would have upon the character and appearance of the appeal property.
11. Additionally, despite not being in a highly prominent position, the proposed development would remain visible from wider vantage points including the grounds of the George Inn public house.
12. Overall, I find that the proposal would be an unsympathetic addition, that would cause harm to the character of the host property and the surrounding area. It therefore conflicts with policies HC8 and CP14 of the Stroud District Local Plan (adopted 2015) (the Local Plan). Together the policies seek to promote developments of a high design quality, that amongst other matters respects the scale and character of the existing building and its surroundings.

Living Conditions

13. The appeal building lies in very close proximity to the shared boundary with the neighbouring dwelling the Broch. The proposed extension would introduce three windows at first floor level on the south-west elevation of the appeal property. The relevant proposed windows would serve bedrooms and a study.
14. Although not directly in line with the rear of the Broch, together the proposed windows would offer largely unrestricted views into a significant proportion of the neighbouring property's garden. Due to the siting of the windows and the close relationship between the appeal property and the Broch, the proposed development would have a harmful impact on the privacy of the neighbouring occupiers.

15. Accordingly, the proposal would have an unacceptable effect upon the living conditions of neighbouring occupiers. This would be in conflict with Local Plan Policies CP14 and ES3 which amongst other matters seek to protect the amenities of neighbouring occupants, including their privacy.

Biodiversity

16. Policy ES6 requires all new developments to conserve and enhance the natural environment, including sites of biodiversity value (irrespective of whether they have statutory protection) and all legally protected or priority habitats and species.
17. The Council has highlighted that the site represents a high-potential to support biodiversity due to its location alongside an existing watercourse. No robust evidence has been submitted by the appellant to refute this. Notably, given the proposal involves alterations to the roof of the building, there is potential for the development to harm protected species (e.g. bats).
18. Although the appellant has provided a bat survey that has previously been undertaken, this was produced in 2013 and relates largely to the previous buildings/conditions of the site. It therefore does not provide an accurate assessment of the potential impacts of the proposal on biodiversity, including whether it would be necessary for the development to incorporate any suitable mitigation measures.
19. Regardless of whether the appellant has previously provided biodiversity enhancements at the site and wider surrounding area, there is insufficient evidence before me to demonstrate that the proposal would suitably conserve biodiversity. The appeal scheme therefore does not comply with the protective aims of Policy ES6 of the Local Plan and the Framework in respect of conserving and enhancing the natural environment.

Setting of Listed Building

20. The appeal site lies within the setting of The George Inn, a Grade II listed building. The Council has not raised concerns in relation to the effects of the proposed development on the listed building. Nevertheless, I have a statutory duty, under the Planning (Listed Buildings and Conservation Areas) Act 1990, to have special regard to the desirability of preserving the building or its setting, or any features of special architectural or historic interest which it possesses.
21. From my observations on site, the significance of the George Inn appears to lie in its age, architectural quality, and its historic function as a public house/coaching inn on a key route through the area.
22. Although the proposed works would be visible from the public house, I am satisfied that the level of separation between the sites, together with the scale and nature of development proposed would not result in any harm to the setting of the listed building.
23. Accordingly, the proposal complies with policy ES19 which seeks to preserve or enhance the district's historic assets. It would also satisfy the requirements of Section 72(1) of the Planning (Listed Building and Conservation Areas) Act 1990 and the Framework insofar as it relates to conserving the historic environment.

Other Matters

24. Illustrations of alternative schemes, which are indicated as being capable of being advanced under permitted development rights (PDR) have been provided by the appellant. The appellant has suggested that these alternative fallback options under PDR would be more harmful impacts in terms of character and appearance, flood risk and biodiversity, whilst also having a similar impact on the privacy of adjoining neighbours.
25. Whilst the alternative arrangements do appear to be of a poorer design quality, there is a lack of specific details to satisfy me that they could be undertaken through PDR. In the absence of a certificate of lawfulness or prior approval consent to demonstrate that such proposals would be lawful, I am not convinced that they represent genuine fallback options. As such I have given limited weight to the appellant's line of argument and my decision does not turn on this issue.
26. The appellant has indicated an intention to incorporate solar panels on the proposed roof, thereby improving the sustainability credentials of the existing dwelling. However, there is nothing before me to demonstrate that such works would be dependent upon the proposed development. In any event, the sustainability benefits are likely to be modest given the proposal relates to a single dwelling and therefore would not outweigh the harm I have previously identified.
27. The appellant highlights that the development is needed to enable family members to live at the site and provide care responsibilities to an elderly relative. Be that as it may, insufficient evidence has been provided to demonstrate that there is a clear and compelling need for the proposal. Furthermore, these are personal circumstances, which are likely to change over time. Personal circumstances therefore rarely outweigh general planning matters as the impacts of development would remain long after the personal circumstances no longer apply.
28. The appeal site is located within Flood Zone 3. However, given the proposal relates to a first-floor extension that would not affect the building's existing footprint or use, I am satisfied that there would be no adverse impacts with regards to flood risk.
29. I note the appellant's frustrations with the way the application was dealt with by the local planning authority. Nevertheless, the appeal has been determined on its own merits.

Conclusion

30. For the reasons set out above, the proposal conflicts with the development plan when taken as a whole and material considerations, including the Framework, do not indicate that a decision should be made other than in accordance with it. Consequently, the appeal is dismissed, and planning permission is refused.

Lewis Condé

INSPECTOR