



Appeal Decision

Site visit made on 11 May 2023

by Laura Cuthbert BA(Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 13 June 2023

Appeal Ref: APP/P1615/W/22/3313582

Prospect House, Main Road, Huntley, Gloucestershire GL19 3EA

- 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 Kris Green against the decision of Forest of Dean District Council.
 - The application Ref P0210/22/FUL, dated 14 February 2022, was refused by notice dated 22 September 2022.
 - The development proposed is conversion of existing outbuilding into new dwelling and new detached garage.
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Decision

1. The appeal is allowed and planning permission is granted for conversion of existing outbuilding into new dwelling and new detached garage at Prospect House, Main Road, Huntley, Gloucestershire GL19 3EA in accordance with the terms of the application, Ref P0210/22/FUL, dated 14 February 2022, subject to the conditions set out in the attached schedule.

Preliminary Matter and Main Issue

2. The application was initially refused for 2 reasons. The second reason for refusal related to the overlooking of a neighbouring property known as 'The Bungalow'. However, at my site visit, it was noted that 'The Bungalow' has now been demolished to form an extension to the adjacent petrol station¹. Consequently, the second reason for refusal no longer stands.
3. Therefore, the remaining main issue in this case is the effect of the proposal upon the character and appearance of the area.

Reasons

4. The appeal proposal concerns an outbuilding situated to the rear of a dwelling known as 'Prospect House'. The outbuilding is of blockwork construction, with a corrugated metal roof covering. There are some large window openings on both the south and west elevations, with some high level windows positioned on the eastern elevation.
5. Whilst the previous occupants used the building as a garage for the repair of commercial vehicles², the current occupants use the building for uses ancillary to Prospect House, including a play space and storage. It is unknown precisely when the commercial use ceased but the appellants state that it was

¹ As permitted under planning permission ref P1107/21/FUL.

² Granted planning permission under planning application ref DF1783 on 03.05.1976

- approximately 12 years ago. The garden area and a further outbuilding associated with Prospect House lie to the north of the outbuilding in question.
6. Prospect House forms part of a group of dwellings that lie to the north of the A40, which runs through Huntley. A Texaco petrol station and its associated retail outlet and yard is situated immediately to the northeast. An access track runs to the east of the appeal site, which leads down to Yew Tree Farm. Whilst the siting of the outbuilding reduces how prominent the existing building is, narrow views are possible from the A40, due to the existing vehicular access opening serving Prospect House. However, wider views from the A40 are largely obscured by existing built form or vegetation. The outbuilding is also visible from the adjacent private access track.
 7. Prospect House is a 2 storey dwelling and there are other 2 storey dwellings in the immediate area. Whilst there are bungalows in the locale, predominately to the southeast, these are not so consistent that they would represent the established built form. Instead, they all form part of the varied character and appearance of the area, including the petrol station adjacent.
 8. There is also a mixture of building materials on the surrounding dwellings, including brick and render. It was also noted on site that there are some barn conversions at Yew Tree Farm, briefly mentioned by the appellant, which appeared to use dark cladding on the external walls. Whilst I do not have any details on this before me, it does demonstrate the variety of materials that are used on dwellings in the immediate area. Consequently, I do not consider that there is a particular 'rural vernacular' as alleged by the Council.
 9. The Council accept that, whilst the site is situated outside of the settlement boundary of Huntley, the site is well related to the village. They also accept that the location of the appeal site is 'appropriate for residential development as it would re-use a brownfield site in a sustainable location whilst evading the creation of sporadic development within the open countryside'. From the evidence before me, and from my observations on site, I see no reason to come to a different conclusion.
 10. A new pitched roof would be installed, approximately 800mm higher than the existing roof. However, the modest increase in height would not be particularly conspicuous. It would also remain below the ridge height of Prospect House. The resultant design of the new dwelling would be appropriate in its character and appearance, simply adding to the existing variation that exists. The proposal would be seen in the immediate context of a 2 storey dwelling and the petrol station so it would be appropriate in scale and height.
 11. A small porch would be added to the front and a small store to the rear. However, the form and footprint of the existing outbuilding would be largely retained which would minimise any impact visually. Whilst the new fenestration has been introduced in a slightly irregular arrangement, it is not considered that this would be materially harmful.
 12. The changes to the external materials, including the use of slate and black composite cladding would change the character and appearance of the building. Whilst the result may be more utilitarian, it would be similar in scale and appearance to a large barn conversion, which would not be out of character to the area.

13. Given that the design of the proposal would be acceptable, any narrow views from the A40 would simply allow views of an appropriately designed dwelling. The impact of the proposal's visibility from the access track would be limited as this is a private track, simply serving as access to only a handful of dwellings.
14. I note the Council do not raise any objection to the new detached garage proposed. After consideration of the proposed plans, I see no reason to come to a different conclusion on this matter.
15. Therefore, the proposal would not harm the character and appearance of the area. It would be in accordance with Policy CSP.1 of the Core Strategy and Policies AP.1 and AP.4 of the Allocations Plan (adopted 2018). These policies, in combination, seek to ensure that new development is of a high quality design, making a positive contribution to the design quality of the area in which it is proposed, including taking in to account important characteristics of the environment. It should ensure that the style and nature of materials used in developments demonstrates an appreciation of traditional characteristics, styles and materials that are in use in the locality.
16. The National Planning Policy Framework 2021 (the Framework) is cited in the reason for refusal. However, the Council do not specify which part of the Framework the proposal would conflict with. Nevertheless, it is considered that the development would be in accordance with the principles within Chapter 12 of the Framework which seek good design sympathetic to the local area.
17. It would also be in accordance with the Planning Practice Guidance (PPG) in regard to design, which reiterates the requirement of the Framework and states that significant weight should be given to development which reflects local design policies and government guidance on design, taking into account any local design guidance and supplementary planning documents such as design guides and codes.
18. The Forest of Dean Residential Design Guide (adopted 1998) is also cited. However, the Council have not directed me towards any particular part of the design guide that the proposal would be contrary to. I have concluded that the proposal would not harm the character and appearance of the area. Therefore, it is considered that the development would be in accordance with the overall objective of the design guide which is to ensure that the design of new residential development reflects the local distinctiveness of the different character areas of the district.

Other Matters

19. The site lies within the red impact risk zone for Great Crested Newts (GCN's). GCN's and their resting places are protected by The Conservation of Habitats and Species Regulations 2017 (as amended) and the Wildlife and Countryside Act 1981 (as amended). There is a small ornamental pond situated in the rear garden of Prospect House, which would be removed. The Council concluded that it would be unlikely that the existing pond would be used by GCN's as it has only been created recently, is small scale and lacking in plant cover. There are also some ponds to the north of the appeal site, which are understood to be used for angling and therefore considered unlikely to support a breeding population of GCN. As such, there is a low risk of a GCN population being present locally. I see no reasons to come to a different conclusion.

20. To safeguard the protected species, a condition would be attached to ensure that the site clearance, material storage and construction are carried out appropriately. The condition would also ensure that the pond would be drained between November and February and would also outline the correct process if any GCN's are discovered.

Conditions

21. The Council have suggested 14 conditions. I have assessed these in light of the advice provided in the PPG and have amended them as necessary.
22. A condition setting a time limit for the commencement of the development is required by statute. It is necessary that there is a condition requiring the development to be carried out in accordance with the approved plans for certainty.
23. There would be sufficient separation between the proposal and the surrounding land uses so I am satisfied that the future occupants would be afforded with a suitable standard of amenity without the requirement for the noise levels contained in British Standard 8233:2014 to be specifically achieved. Insufficient justification has been provided for me to think otherwise. Therefore, this condition is not considered reasonable or necessary.
24. Due to the location of the proposal adjacent to the petrol filling station, and the possibility of the site being subject to contamination from previous spills and leaks, conditions requiring a land contamination assessment, and associated remedial strategy if needed, are considered necessary. I have amended the conditions to take in to account the possibility that following the assessment, remediation work may not be required.
25. Suitable arrangements regarding foul and surface water drainage will need to be in place to satisfy Building Regulations. Planning conditions requiring their provision is therefore unnecessary. I also note that Severn Trent Water have not requested a drainage condition to be applied due to the minimal impact on the public sewerage system.
26. In the interests of highway safety, a condition requiring the parking facilities, including the garage, to be provided prior to the occupation of the house is considered necessary. The site plan reference has been amended to refer to the correct site plan.
27. In order to promote sustainable forms of transport, a condition requiring the provision secure and covered cycle storage for a minimum of 2 bicycles is considered necessary. A condition to ensure the garage and parking spaces remain for the parking/garaging of vehicles is considered necessary to ensure sufficient off street parking is available for the proposed dwellings, in the interests of highway safety.
28. As already noted, a condition to safeguard GCN's is considered necessary. Whilst the specific details of the bat and bird boxes do not need to be submitted, given that the condition clearly sets these out, it is still considered necessary and reasonable for a location plan to be submitted showing the location of the bird and bat boxes to ensure their location is appropriate. I have therefore amended the condition accordingly. Full details of the hard and soft landscaping for the site are also considered necessary in the interests of the character and appearance of the area.

29. In the interests of the living conditions of the occupants of the neighbouring dwellings, a condition requiring a construction management plan or method statement is considered necessary. The appellant has queried the need for bullet points 2, 3 and 4. Whilst the amount of construction may be reduced due to the proposal involving a conversion of an existing building, there will still be construction traffic associated with the proposal and there will still be construction materials. A temporary access to the site may still be necessary once the plan is drawn up. Therefore, I consider their inclusion as part of the construction management plan is both reasonable and necessary.

Conclusion

30. For the reasons given above, I conclude that the appeal should be allowed.

Laura Cuthbert

INSPECTOR

SCHEDULE OF CONDITIONS

- 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans:
 - 1620-P-200 Rev A – Site plans, floor plans and elevations as existing
 - 1620-P-210 Rev C – Sites plans, floor plans and elevations as proposed
 - 1620-P-211 Rev A – Proposed garage plans site plan and elevations
 - 1620-P-110 – Proposed garden and parking plan
- 3) Prior to the commencement of the development hereby permitted a land contamination assessment, and associated remedial strategy, if necessary, together with a timetable of works, shall be submitted to and approved in writing by the local planning authority:
 - a. The land contamination assessment shall include a desk study and site reconnaissance and shall be submitted to the local planning authority for approval. The desk study shall detail the history of the site uses, identify risks to human health and the environment, and propose a site investigation strategy based on the relevant information discovered by the desk study. The strategy shall be submitted and approved in writing by the local planning authority prior to investigations commencing on site.
 - b. The site investigation shall be carried out by a suitably qualified and accredited consultant/contractor in accordance with a Quality Assured sampling and analysis methodology.
 - c. A site investigation report detailing all investigative works and sampling on site, together with the results of analysis, risk assessment to any receptors, and a remediation strategy only if found necessary, shall be submitted to and approved in writing by the local planning

authority. The local planning authority shall approve any necessary remedial works as required prior to any remediation commencing on site. The works shall be of such a nature as to render harmless the identified contamination given the proposed end-use of the site and surrounding environment including any controlled waters.

- 4) Prior to the occupation of the dwellinghouse hereby permitted:
 - a. Any approved remediation works, only if they are found to be necessary in the site investigation report, shall be carried out in full on site under a Quality Assurance scheme to demonstrate compliance with the proposed methodology and best practice guidance. If during the works contamination is encountered which has not previously been identified, then the additional contamination shall be fully assessed, and any appropriate remediation scheme if found necessary, agreed with the local planning authority in writing.
 - b. Only if a remediation strategy is required, a completion report shall be submitted to and approved in writing by the local planning authority. The completion report shall include details of the proposed remediation works and Quality Assurance certificates to show that the works have been carried out in full in accordance with the approved methodology. Details of any post-remedial sampling and analysis to show the site has reached the required clean-up criteria shall be included in the completion report together with the necessary waste transfer documentation detailing what waste materials have been removed from the site. A certificate signed by the developer shall be submitted to the local planning authority confirming that the appropriate works have been undertaken as detailed in the completion report.
- 5) The dwellinghouse hereby approved shall not be occupied or be brought into use until the parking facilities including the garage have been provided as shown on submitted Proposed Site Plan drawing number 1620-P-210 rev C.
- 6) The dwellinghouse hereby permitted shall not be occupied until full details of secure and covered cycle storage facilities for a minimum of no. 2 bicycles has been submitted to and been approved in writing by the local planning authority. Thereafter the details hereby approved shall be fully implemented within 3 months of approval and be maintained for perpetuity.
- 7) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking and/or re-enacting that Order) the garage/car parking spaces hereby permitted shall be retained as such and shall not be used for any purpose other than the garaging of private motor vehicles associated with the residential occupation of the property and ancillary domestic storage without the grant of further specific planning permission from the local planning authority.
- 8) Site clearance, material storage and construction shall be carried out in strict accordance with the Forest of Dean District Council's Precautionary method of working for common reptiles (16th May 2012). Additionally, the pond shall be carefully drained between November and February.

Anyone undertaking this development should be aware that Great Crested Newts and their resting places are protected at all times by The Conservation of Habitats and Species Regulations 2017 (as amended) and the Wildlife and Countryside Act 1981 (as amended). Planning permission for development does not provide a defence against prosecution under this legislation or substitute the need to obtain a protected species licence if an offence is likely. If a GCN is discovered during site preparation, enabling or construction phases, then all works must stop until the advice of a professional/suitably qualified ecologist and Natural England is obtained, including the need for a licence.

- 9) Prior to occupation of the dwellinghouse hereby permitted, the location of one Schwegler 1FR bat box and one Schwegler 1SP sparrow terrace shall be clearly shown on a plan at the approved development site. This plan shall be submitted to and be approved in writing by the local planning authority. Thereafter the details approved shall be fully implemented no later than 3 months after the first occupation of the dwellinghouse hereby permitted and be maintained as approved.
- 10) Prior to commencement, including site clearance and demolition, full hard and soft landscaping details for the site shall be submitted to and be approved in writing by the local planning authority. These details shall be denoted on a plan of the site. Thereafter the approved hard and soft landscaping details shall be fully implemented within 6 months of the first occupation of the dwelling unit hereby approved and be maintained as approved.
- 11) Prior to commencement of the development hereby permitted a construction management plan or construction method statement shall be submitted to and be approved in writing by the local planning authority. The construction management plan or construction method statement shall include but not be restricted to:
 - Parking of vehicle of site operatives and visitors (including measures taken to ensure satisfactory access and movement for existing occupiers of neighbouring properties during construction);
 - Routes for construction traffic;
 - Any temporary access to the site;
 - Locations for loading/unloading and storage of plant, waste and construction materials;
 - Method of preventing mud and dust being carried onto the highway;
 - Arrangements for turning vehicles;
 - Arrangements to receive abnormal loads or unusually large vehicles; and
 - Methods of communicating the Construction Management Plan to staff, visitors and neighbouring residents and businesses.

Thereafter the approved construction management plan or construction method statement shall be fully adhered to throughout the demolition/construction period.