



Appeal Decision

Site visit made on 25 July 2023

by O Marigold BSc DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 07 August 2023

Appeal Ref: APP/P1615/W/23/3317402

4 Wood Road, Mile End, Gloucestershire GL16 7DE

- 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 Mrs Susan Greenman against the decision of Forest of Dean District Council.
 - The application Ref P1305/22/FUL, dated 14 September 2022, was refused by notice dated 28 November 2022.
 - The development proposed is erection of a bungalow with ancillary works and alterations to access.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. As part of the appeal, the appellant has provided amended plans clarifying and correcting the elevation labelling of the proposal, but its orientation would remain as was shown on the plans considered by the Council. The Council has commented on the amended plans and raises no objection to my taking them into account. I shall therefore determine the appeal based on the amended plans.

Main Issues

3. The main issues are:
 - the effect of the proposal on the character and appearance of the area, and
 - whether the proposal would provide adequate living conditions for its occupiers, having regard to privacy and outdoor space.

Reasons

Character and Appearance

4. Properties on Wood Road and Woodside Avenue, including the recently constructed 3A Woodville Avenue, largely consist of semi-detached and detached dwellings. The design and external materials of dwellings in the area varies considerably. Nevertheless, the area has the distinctive character of dwellings laid out in a linear arrangement, with their principal frontages facing their respective roads. Many of these properties also have long rear gardens.
5. Some of the dwellings in these roads have rear accesses from an unnamed lane (the lane) that leads off Woodside Avenue. The lane has a parking and turning

area at its end, and a handful of the single storey properties in nearby Birch Road also have rear gateways leading from it. Even so, the lane generally only forms a secondary means of access to the properties along it.

6. The appeal site consists of part of the long rear garden of 4 Wood Road (No 4), a two-storey detached dwelling. It is proposed to demolish existing outbuildings, divide the garden and erect a bungalow on the site. The proposal would have its back to the rear garden of 6 Wood Road (No 6) and its front elevation would face broadly towards the rear of 1 Woodside Avenue (No 1). It would be accessed from the lane.
7. In facing the rear of another dwelling, the proposal would have a tandem, backland layout. As such, by reason of its inherent position and orientation, together with its access solely from a secondary lane, the proposal would appear harmfully out of place with the predominant character of the area, which I have found is primarily linear in pattern and has dwellings facing onto a principal road.
8. Furthermore, although there are already buildings within the garden, the new dwelling would have a large footprint. This would leave only a relatively small amount of space around it, some of which would be used for vehicle parking. In contrast to other dwellings nearby, it would only have a very short rear garden. For these reasons, the proposal would appear unduly cramped and incongruous in the street scene, including when seen from the lane, Woodside Avenue and surrounding properties.
9. The appellant has drawn my attention to a dwelling recently built at 5 Wood Road, for which the Council granted planning permission¹. This is to the rear of properties fronting Edge End Road. However, the new dwelling there differs from the proposal, not least by fronting directly onto Wood Road. As such, I can draw few useful comparisons between that development and the proposal before me.
10. For the reasons given above, the proposal would harm the character and appearance of the area. As such, it would be contrary to policies CSP.1 and CSP.4 of the Council's Core Strategy (CS), adopted February 2012. These require that built forms must respect important characteristics of the environment and reinforce the existing settlement pattern.
11. For the same reasons, the proposal would conflict with Policy AP.4 and therefore Policy AP.1 of the Council's Allocations Plan (AP), adopted June 2018, and policies CH1, CH2, CHE1 and CNE1 of the Coleford Neighbourhood Development Plan (CNDP), made October 2018. These require proposals to take account of distinctive local character, context and building layouts.
12. The proposal would also conflict with the similar requirements of the Council's Residential Design Guide Supplementary Planning Guidance (SPG), adopted August 1998, and with the aim of the National Planning Policy Framework (the Framework) for development that is sympathetic to its surroundings. As such, I give this conflict significant weight.
13. The Council has also referred to conflict with CS policies CSP.5 and CSP.14, but these policies concern the strategic provision of housing within Coleford and so

¹ P0416/18/OUT and P0030/19/APP

I see no conflict with these policies. CNDP Policy CH3 relates to housing sites allocated in the AP. However, the proposal is not on one of these sites and so it would not conflict with this policy.

Living Conditions

14. No 1 is a bungalow with its rear elevation, windows and garden facing towards the site. The proposal would have front windows facing towards No 1. There is an existing tall fence that runs for part of the way along the common boundary between the properties. This fence would be retained and would be sufficient to ensure adequate screening for the extent of its length.
15. The rest of the boundary to No 1 currently has stone outbuildings upon it within the appeal site. As part of the proposal, they would be replaced with a fence of low height. This would provide greater visibility for vehicular users of the lane. However, although gates could internally sub-divide and screen some of the outdoor space serving the proposal, the low fence would allow the occupiers of No 1 to see into the space. This would limit the degree of privacy obtainable by occupiers of the proposal.
16. A two-metre fence on the other boundaries of the site would provide some screening for future occupiers from other properties. However, No 6 has a first-floor window on its rear elevation that would be clearly visible from within the appeal site, above the proposed boundary fencing. I am told that this window serves a non-habitable room, such as a bathroom or hallway. Even so, it is a large window and its presence, within the SPG's separation distance, would add to a sense of being overlooked for occupiers of the new dwelling, including when using their rear garden.
17. No 4 has a first-floor bedroom window that would face towards the proposal, above the proposed dividing hedge and fence. As suggested by the appellant, this window could be obscure glazed and non-opening to ensure that occupiers of No 4 would not overlook the proposal, by means of a negatively worded planning condition. Nevertheless, the window itself would remain and would face into the appeal site, at close proximity within the SPG's separation distance. It would therefore add to the perception of future occupiers of the proposed new dwelling and its garden of being overlooked.
18. The parties dispute whether 100 square meters of outdoor space would be provided for the existing and new dwelling, as required by the SPG. The SPG may be flexibly applied, as was the case at 5 Wood Road. The future occupiers of the proposal, intended to be the current occupiers of No 4, may well be retired people who are seeking a low-maintenance garden.
19. However, even if I were to accept that the proposal exceeds the SPG's minimum figure, the outdoor space available to the proposed dwelling would be narrow and cramped, and so of limited usability. For the reasons I have already given, its occupiers would have little perception of privacy within this space. Taking these factors together, I conclude that the proposal would not provide adequate living conditions for its occupiers, having regard to privacy and outdoor space.
20. Consequently, the proposal would be contrary to AP Policy AP.4, which requires proposals to respect the amenity of residents and therefore also to AP Policy AP.1. It would also conflict with CNDP Policy CH2 which requires no adverse

impact on the amenities of the future community. I have found conflict with the SPG and so also with CNDP Policy CHE1. For the reasons given, the proposal would also not accord with the SPG or the aim of the Framework for a high standard of amenity for future users. I therefore give this conflict significant weight.

21. The Council also alleges conflict with CS policies CSP.1 and CSP.4, and CNDP policies CH1 and CNE1 in respect of this issue. These policies relate to design, development principles, small housing sites and landscape character but they do not directly refer to future occupiers' living conditions. I have already found that CS policies CSP.5 and CSP.14, as well as CNDP Policy CH3, are not relevant to the proposal. As a result, I find that the proposal does not conflict with these policies in respect of this issue.

Other Considerations

22. The Council accepts that it cannot currently demonstrate a five-year supply of housing land. As such, the Council's housing policies are deemed out of date and it is necessary for me to determine whether the adverse impacts of the proposal would significantly and demonstrably outweigh the benefits inherent in providing an additional dwelling to assist the Council in addressing its undersupply, as set out in paragraph 11 of the Framework.
23. I have found conflict with Development Plan policies CSP.1, CSP.4, AP.1, AP.4, CH1, CH2, CHE1 and CNE1, which are consistent with the Framework. Against that, the proposal would improve visibility for vehicles using the lane by removing the existing stone building. However, I have not been made aware of any particular highway safety problems with the current arrangements. As such I give this benefit only moderate weight.
24. The proposal would make a positive contribution to the supply of housing and its future occupants would make a positive social and economic contribution. It would make efficient use of land on a small site that could be delivered quickly. It is also well located for services and facilities. However, due to the proposal being for only a single dwelling, these benefits attract only limited weight. The provision of ecological enhancement would be a small but positive benefit, to which I also give limited weight.
25. In its Statement of Case, the Council has also referred to harm from the proposal to the living conditions of adjoining occupiers. However, this is not substantiated or reflected in the Officer Report or the reasons for refusal. I am satisfied that the proposal would not harm the living conditions of occupiers of nearby properties, but this is neutral in the planning balance.

Planning Balance and Conclusion

26. Section 38(6) of the Planning and Compulsory Purchase Act 2004 states that applications for planning permission, and therefore appeals, must be determined in accordance with the Development Plan, unless material considerations indicate otherwise.
27. I have identified harm to the character and appearance of the area and to the living conditions of future occupiers of the proposal. As such, I consider that the adverse impacts of granting permission would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework as a whole.

28. For the reasons given, I have found conflict with the Development Plan as a whole. The material considerations in this case do not indicate a decision other than in accordance with the Development Plan. This leads me to conclude that the appeal should be dismissed.

O Marigold

INSPECTOR