



Appeal Decision

Site visit made on 26 June 2023

by S Crossen BA (Hons) PgCert PgDip MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 09 August 2023

Appeal Ref: APP/P1615/D/23/3322798

**Birchenwood, Brindsey Lane, Staunton, Coleford, Gloucestershire
GL16 8PE**

- 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 Michael Bryant against the decision of Forest of Dean District Council.
 - The application Ref P1661/22/FUL, dated 26 November 2022, was refused by notice dated 1 March 2023.
 - The development proposed is a two storey extension to the rear elevation of the property together with associated works.
-

Decision

1. The appeal is dismissed.

Main Issues

2. The main issues of this appeal are:
 - the effect of the development on the character and appearance of the existing dwelling and Wye Valley Area of Outstanding Natural Beauty (AONB).
 - the effect of the development on ecology and biodiversity.

Reasons

Character and appearance

3. The site is within the AONB and the undeveloped and dense wooded character of this area largely defines the setting of the area. The special qualities of the AONB relevant to this appeal are its landscape in particular the Wye Gorge, picturesque views, historic environment including vernacular architecture and veteran trees, and its public access and recreation.
4. The house is set in a wooded area next to public rights of way, a byway which provides vehicular access to the front, with another footpath to the rear of the house which is on higher ground. Although the front of the property is lined by trees and hedges, the house can be seen from both paths.
5. The appeal house is a 2 storey detached house constructed of stone with a tiled roof. The rear elevation is rendered and there is an existing two storey rear projecting gable. The design is simple and plain with some brick detail above the windows.

6. The extensions proposed are large in comparison to the existing house and replace the existing two storey rear gable. The proposed development significantly increases the width of the house and would be more visible, especially from the rear, as a result.
7. Although the choice of materials is sympathetic, the design of the proposed development would include a balcony which would be an unusual feature at odds with the plain and simple design which helps make the existing house inconspicuous. Although existing planting offers some screening to the front, the extension would not be completely hidden from sensitive views along public paths. Similarly, the first floor balcony window and large side elevation windows are not in keeping with the style of the existing house and would be visually intrusive, both detracting from, and collectively dominating the original design of the house.
8. Viewed, from the rear, the existing gable helps to break the mass of the rear elevation, this would be replaced by expansive and relatively featureless rear walls of the proposed extensions. The roof form of the extensions, although slightly lower than the original roof would not be sufficient to ensure they are visually subservient, because of their excessive width and scale. Furthermore, the introduction of additional gable roofs introduces several ridges and valleys which would detract from the simple traditional roof style of the original house and would be very prominent from the rear footpath, neither conserving nor enhancing the AONB and would be harmful to the character and appearance of the area.
9. I have had regard to the extracts provided to me of a previous refusal¹ for a similar scheme, but which was refused on ecology impacts only. Although no plans are before me, I am aware from the evidence that the design of this previous application is different to the development this appeal proposes, and for the reasons stated above I have found harm to the character and appearance of the existing dwelling and the area.
10. I conclude that the development would result in significant harm to the character of the existing dwelling and the Wye Valley AONB. It is therefore contrary to policy CSP.1 of the Forest of Dean Core Strategy adopted February 2012 (CS) and Policy AP.4 of the Forest of Dean District Council Allocations Plan 2006 – 2026 adopted June 2018 (AP), and guidance contained within the Forest of Dean Residential Design Guide adopted 1998, Residential Design Guide Alterations and Extensions adopted 2002, the Wye Valley AONB Management Plan 2021-2026 adopted January 2021 and the National Planning Policy Framework (the Framework), in particular paragraph 176. These policies and this guidance amongst other things seek that new development takes account of local character and history in terms of design solutions.

Ecology and biodiversity

11. The appellant provided a preliminary ecological appraisal (PEA) dated 14th March 2023 which confirms that the appeal house has a bat roost and that further surveys are required to determine suitable mitigation and enhancement measures.

¹ Planning application reference P2118/21/FUL

12. I am mindful that Circular 06/2005 advises that it "is essential that the presence or otherwise of protected species, and the extent that they may be affected by the proposed development, is established before the planning permission is granted, otherwise all relevant material considerations may not have been addressed in making the decision". The circular goes on further to say "developers should not be required to undertake surveys for protected species unless there is a reasonable likelihood of the species being present and affected by the development." In this case the PEA states that the building to be altered has evidence of a bat roost, and that further survey work is required to be followed with recommendations for suitable mitigation and enhancements. At this stage the bat survey element of the PEA is inconclusive so necessary avoidance or protection measures cannot be fully determined.
13. I conclude that the proposed development does not adequately demonstrate that impacts on protected species and the extent they might be affected can be avoided or mitigated and compensated. Consequently, it would not safeguard ecology and biodiversity. It is therefore contrary to policy CSP.1 of the CS and policies AP.1, AP.7 and AP.8 of the AP, chapter 15 of the Framework and the Planning Practice Guidance. These policies and this guidance amongst other things seek to resist proposals which do not include mitigation and compensation for loss of biodiversity.

Other Matters

14. I have had regard to the points raised that there were no letters of objection from neighbours, key stakeholders or consultees, that the build would include positive features, photovoltaic solar panels and SUDs, but these matters do not outweigh the harm I have found in the main issues of this appeal.
15. The appellant has drawn my attention to their communications with the Council. However, this does not alter my conclusions on the main issues.

Conclusion

16. For the reasons given above I conclude that the appeal should be dismissed.

S Crossen

INSPECTOR