



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: 10 August 2023

Appeal Ref: APP/C1625/W/23/3316894

Land to the south of 1 Orchard Road, Ebley, Stroud GL5 4TZ

- 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 Dena Neave of DCREWE Ltd against the decision of Stroud District Council.
 - The application Ref S.22/2379/FUL, dated 29 October 2022, was refused by notice dated 31 January 2023.
 - The development proposed is erection of 2 no. 3 bedroom semi-detached houses, access from Orchard Road, associated parking and landscaping.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. Planning obligations have been submitted to make financial contributions towards mitigating the effect of the proposal on the Rodborough Common and Cotswolds Beechwood Special Areas of Conservation (SACs). I will consider these under Other Matters below.

Main Issue

3. The main issue is the effect of the proposal on the character and appearance of the area.

Reasons

4. The site consists of undeveloped grassed space within a residential area. It lies close to the corner of the junction of Orchard Road and Westward Road. The site once had an established tree line on its boundary, which has since been significantly reduced. Together with a similar grassed piece of land opposite, it forms a positive open buffer as part of the carefully planned entranceway into the post-war housing estate at Orchard Road. The character of the surrounding area varies, with established dwellings in a broad linear pattern along Westward Road. In contrast, properties at Renard Rise consist of a modern housing estate.
5. The proposal seeks to erect a semi-detached pair of dwellings facing towards Orchard Road. The site was formerly owned by the District Council but has no designation as formal, public space. The design of the dwellings and the external materials proposed would reflect some of those nearby. There is no dispute that the proposal would have adequate space around it and would not appear cramped.

6. The proposal would be set back from both Orchard Road and Westward Road, following the line of a highway verge. The site levels mean that the proposal would be lower than properties nearby. However, as two-storey dwellings, they would still have a large mass and scale, including from the flank wall and gabled roof that would face onto the verge and Westward Road.
7. There would be some landscaping on the site boundaries. The front corner of the proposal would be set further back from Westward Road than the equivalent building line of dwellings at Renard Rise, referred to by both main parties. However, the pattern of development at the appeal site is different from that at Renard Rise, because of the splayed approach to the appeal site and its location at a junction.
8. Instead, despite retention of the highway verge, the proposal would jut out prominently when approaching the junction from the west, harmfully intruding into the open, planned character of its immediate surroundings. The proposal would also appear out of place when approaching the junction from the east on Westward Road, because it would have a position significantly forward of the broad building line of properties along this road. For these reasons, the proposal would appear unduly dominant and incongruous in the street scene.
9. Planning permission¹ was previously granted for the erection of two apartments on the site in 2019. Case law² has made clear the importance of consistency in planning decisions. However, the building then proposed was set back much further into the site and so would have been less prominent in the street scene. In any case, I understand that the permission has now expired. It does not therefore provide a justification for the proposal before me. Whilst the location of a mains sewer below the site may have implications for any development upon it, this does not justify the harm I have identified.
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 HC1 and CP14 of the Stroud Local Plan, adopted November 2015. These require that housing has a layout compatible with the character and appearance of the area, is respectful of its surroundings and does not damage open space which is important to the character of the settlement. It would similarly conflict with the aim of the National Planning Policy Framework for development that is sympathetic to its surroundings.

Other Matters

11. Construction of the proposal would make a positive economic contribution to the area, as would its occupants both socially and economically. It would make efficient use of land on a small site that could be delivered quickly. The proposal would be well located for services and facilities in an area where the Local Plan directs new housing. However, these benefits would be modest because of the relatively small size of the proposal, for two units of accommodation. I therefore give these benefits only limited weight.
12. I have noted comments made about the Council's handling of the case and that it had originally sold the site for development purposes. However, I have considered the proposal solely on its planning merits.

¹ Council reference S.18/2275/FUL

² For example, *Baroness Cumberlege v SSCLG & Another* [2017] EWHC 2057

13. The site is not far from the Grade II listed buildings on Westward Road at numbers 307 (White House) and 316 (Brookside). The parties do not dispute that the proposal would have no adverse effect on the special architectural or historic interest of the listed buildings or their settings. I see no reason to disagree, but this does not alter my conclusions on the main issue.
14. The site lies within the catchment area of the SACs which are protected pursuant to the Conservation of Habitats Regulations 2017 (as amended). Had I found no harm in respect of the main issue, as competent authority I would have carried out an Appropriate Assessment in respect of the potential effects of the proposal on the SACs. However, as I have found against the appellant on other substantive grounds, this matter need not be considered any further in this case.

Planning Balance and Conclusion

15. 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