



Appeal Decision

Site visit made on 12 July 2023

by E Pickernell BSc MSC MRTPI

an Inspector appointed by the Secretary of State

Decision date: 29.09.2023

Appeal Ref: APP/P0119/W/23/3314053

108 Yew Tree Drive, Kingswood, South Gloucestershire BS15 4UD

- 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 and Mrs Pete and Gill Aitkenhead against the decision of South Gloucestershire Council.
 - The application Ref P22/02652/F, dated 7 May 2022, was refused by notice dated 28 July 2022.
 - The development proposed is the erection of 1 No detached dwelling with associated works.
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Decision

1. The appeal is dismissed.

Main Issue

2. The main issue is whether the proposed development would provide a satisfactory living environment for its future occupants, with respect to external amenity space.

Reasons

3. The appeal site is the side garden of an existing detached property in a residential area. It is accessed from the road via timber gates and currently contains a timber shed, hardstanding and a lawned area.
4. Policy PSP43 of the South Gloucestershire Local Plan: Policies, Sites and Places Plan (2017) (PSPP) states that all new residential units will be expected to have access to private external amenity space. It sets out minimum space requirements for several property types with a minimum guide figure for a 2-bedroom house of 50m². The reasoning to the policy explains that the space standards include the totality of balconies, front and back gardens, and communal spaces.
5. The proposal would provide approximately 19m² of amenity space to the rear and 23m² to the front, as such the amount of private amenity space (42m²) would be below the figure required by the Policy. The appellant has highlighted that the equivalent requirement for a 2-bedroom flat is significantly lower at 5m², nevertheless that is not what is sought here and therefore not determinative in the consideration of the appeal.
6. The policy also requires that amenity space should be functional and safe, easily accessible from living areas, orientated to maximise sunlight, be of sufficient size and functional shape to meet the needs of the likely number of occupiers and designed to take account of the context of the development,

including the character of the surrounding area. The reasoning to Policy PSP43 states that as a minimum the external area should be able to accommodate a table and chairs suitable for the size of the dwelling, provide space for a garden shed for general storage, space for refuse and recycling bins, an area for drying washing, circulation space and an area for children to play in.

7. It is reasonable to assume that the proposed two-bedroom dwelling could be occupied by several adults or a small family. I acknowledge that it could also be occupied by other types of households which might not desire a large garden, but this could not reasonably be controlled. The submitted drawings indicate the provision of a small table and chairs, clothes drier and shed within the rear garden space. However little space would remain for circulation and space to play. The proximity of the proposed dwelling to the rear boundary and the tapering nature of the site means that the rear amenity space would be an awkward, irregular shape which would not function well as amenity space. Furthermore, the rear garden would be north-facing and would therefore receive little direct sunlight.
8. The front garden area would be of a similar size to several others in the area, however during my site visit I saw no signs locally of front gardens being used as functional amenity space such as tables, chairs or play equipment. The area to the east of the proposed driveway would be of sufficient dimensions to accommodate a small table and chairs or play equipment. However, the ungated driveway and the front low wall mean it would not be a safe space for young children to play because of the risk that they may climb over the wall or run into the road.
9. Were I to allow the appeal I could impose a condition requiring the provision of a gate, however it would not be appropriate to condition a high boundary wall as this would be detrimental to the character and appearance of the area. Furthermore, the space would be overlooked by passers-by due to the low front boundary. In an urban area a degree of overlooking to gardens is common but it is not generally in such close quarters as would be the case with the front garden. This lack of privacy means the space would function poorly as private amenity space. Consequently, the front garden would not provide a functional and safe amenity area. Moreover, it would not be easily accessible from living areas, with only the front door giving access to this area.
10. Taking the front and rear garden areas together, I am not satisfied that the proposal would provide an acceptable quality or quantity of private outdoor space.
11. I acknowledge that the size requirements referred to in policy PSP43 are expressed as guidelines and that they are intended to provide a benchmark against which to assess schemes. However, for the reasons outlined above I find that the proposed outdoor amenity space would be inadequate when assessed against the relevant criteria and this harm would not solely arise because of its size being below the minimum guideline standard outlined in the Policy.
12. The appellant contends that the supporting text to Policy PSP43 recognises that higher density development may be appropriate in certain locations and that in such areas standards could be relaxed. It gives the examples of areas where regeneration is being promoted or along key transport corridors and nodes. The appeal site is within an established residential area which is not high density,

and I am not convinced a general relaxation of the standards is appropriate in this instance.

13. In support of the appeal my attention has been drawn to examples where the Council have allowed the provision of gardens which fall below the size guidelines of PSP43. However, I have not been provided with the full details of these and therefore cannot be certain that they are comparable with the appeal proposal in respect of the design of the property, the layout of the garden and its usability. I have also been provided with a plan indicating the sizes of gardens in the locality, however none of these examples have the same arrangement as proposed in the appeal scheme. In any event, it will be seen from the decision that my concerns are not the principle of a shortfall in size against the requirements of Policy PSP43 and I have assessed the appeal scheme on its own merits in respect of the quality and quantity of garden space that would be provided.
14. I conclude that the proposal fails to provide a satisfactory living environment for its future occupants, with respect to external amenity space. It therefore conflicts with Policy PSP43 of the PSPP and Policy CS1 of the South Gloucestershire Local Plan Core Strategy 2006 – 2027 (Adopted December 2013) (CS). Together, and amongst other things, these Policies seek to ensure that development is of high quality, respects and enhances the amenity of the site and that new residential units are provided with adequate private external amenity space. It would also conflict with relevant paragraphs of the National Planning Policy Framework (the Framework) that seek to ensure that development creates places with a high standard of amenity for existing and future users.

Other Matters

15. I recognise that no objections were received from local residents in respect of the proposal. Moreover, the Council found the proposal to be acceptable in all other respects and I have no reason to disagree. However, the lack of harm in these respects does not weigh in favour of the scheme.
16. As the site forms part of a residential garden in a built-up area it would not constitute brownfield land. Nonetheless, the proposal would make efficient use of the land and would result in the provision of a dwelling within a sustainable location. This would support the objective of significantly boosting the supply of homes as outlined in the Framework. However, there is no evidence that the Council cannot demonstrate a 5 five housing land supply and given the limited scale of the development I attach moderate weight to the benefits of the proposal. However, I attach significant weight to the conflict with the development plan in respect of the unsatisfactory living environment for its future occupants, with respect to external amenity space.

Conclusion

17. For the reasons given above the proposal conflicts with the development plan as a whole, and there are no material considerations, including the Framework, that would outweigh that conflict. Therefore, the appeal is dismissed.

E Pickernell INSPECTOR