



Appeal Decision

Site visit made on 17 October 2023

by Nichola Robinson BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 30th October 2023

Appeal Ref: APP/P0119/W/23/3320556

1 Oaktree Avenue, Pucklechurch, South Gloucestershire BS16 9RP

- 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 Chris Smart against the decision of South Gloucestershire Council.
 - The application Ref P23/00349/F, dated 26 January 2023, was refused by notice dated 21 March 2023.
 - The development proposed is 2 bedroom 2 storey end terrace house.
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Decision

1. The appeal is allowed and planning permission is granted for 2 bedroom 2 storey end terrace house at 1 Oaktree Avenue, Pucklechurch, South Gloucestershire BS16 9RP in accordance with the terms of the application, Ref P23/00349/F, dated 26 January 2023, subject to the conditions detailed in the attached schedule.

Applications for costs

2. An application for costs was made against South Gloucestershire Council by the appellant. This application is the subject of a separate Decision.

Preliminary Matters

3. An Amended plan was submitted with the appeal (drawing number 023-1272-02 Rev B). This drawing makes some substantial changes to the proposal, and I cannot be certain that all interested parties have had the opportunity to consider them. In these circumstances, I do not consider it appropriate to accept this plan as it could deprive those who were entitled to be consulted on the application of the opportunity to make any representations that they may have wanted to make. I have, therefore, determined the appeal on the basis of the plans considered by South Gloucestershire Council.

Main Issue

4. 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

5. The appeal site comprises part of the residential curtilage of 1 Oaktree Avenue, an end of terrace property located in a residential area. The site has been laid to lawn. It is proposed to erect a 2-storey dwelling which would adjoin 1 Oaktree Avenue.

6. 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. It also 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. Based upon the plans upon which the Council made their decision, the proposal would provide approximately 31.2m² of amenity space to the rear and 23.87m² to the front, providing a total of 55.07m². This would meet the requirements of the policy. However, the Council state that the front amenity space, which would be open in nature and would sit adjacent to a footpath, would not be safe or private. Therefore, it is stated that the proposal would fail to provide adequate usable external amenity space.
8. I acknowledge that, by virtue of its unenclosed nature and its siting in relation to the footpath, the front amenity space would not be private in nature. Therefore, it would not be suitable for some activities typically accommodated within private amenity space such as drying washing and general storage. Nonetheless, I have not been presented with any particular evidence that these characteristics would render the front garden a particularly unsafe environment. It would be a usable space which would provide access to day light and fresh air, a space to socialise, would be suitable for growing plants and would therefore accommodate some of the functions of amenity space for future occupiers. The rear garden would be of adequate size to accommodate general storage, a table and chairs, bin and bike storage, a space for the drying of washing and children's play. Therefore, both gardens, when combined, would comfortably accommodate the range of uses reasonably expected of these spaces as set out in the reasoning to PSPP Policy PSP43. Thus, the proposal would meet the amenity space requirements of this policy.
9. I conclude that the proposal would provide a satisfactory living environment for its future occupants, with respect to external amenity space. It therefore accords with Policy PSP43 of the PSPP which seeks to ensure that new residential units are provided with adequate private external amenity space.

Other Matters

10. The dwelling would be provided with 1 car parking space to the rear of the site and the host property would be provided with 2 car parking spaces within the car park to the rear. PSPP Policy PSP16 requires that 2-bedroom dwellings are provided with 1.5 car parking spaces, to be rounded down to the nearest whole number. It goes on to state that where garages are provided below the minimum size requirements only 50% of them will count towards the parking standards. Even if the garages to the rear of the site are below minimum size requirements, the proposal meets the requirements of this policy and makes adequate provision for car parking for the proposed and existing dwellings.
11. The parking survey appears to have been done in a robust and rigorous way across different times of the day and different days of the week. This survey

states that there are numerous opportunities for parking on Oaktree Avenue and the surrounding roads. Whilst I appreciate that my mid-morning site visit took place during the daytime, and that at other times there may be more vehicles parked on the road, the findings of this survey reflect the observations at my site visit where I observed that there appeared to be ample opportunities to park on the road on Oaktree Avenue and the surrounding roads. Whilst residents state that the parking survey paints an optimistic picture of parking on Oaktree Avenue and the surrounding roads, they haven't provided substantive evidence of what they perceive the picture to be.

12. At my site visit I observed that where there were parked cars on Oaktree Avenue and the surrounding roads, they did not appear to impede the free flow of traffic including buses or restrict access to garages and properties. The proposal would result in the loss of an on-street parking space to the rear of the site. Given the capacity of the surrounding highway network to accommodate on-street parking, I have not been presented with any compelling evidence that the loss of this space and any resultant spill over parking would result in parking stress for nearby residents, compromise the free flow of traffic on the surrounding network or result in access problems for emergency service and refuse vehicles. Additionally, I see no reason to find that the proposed parking arrangements would restrict access to garages or obstruct views of the highway.
13. I acknowledge comments made by interested parties regarding reductions in public transport services in Pucklechurch. Nonetheless, services and facilities in Pucklechurch would be accessible on foot or by bike, and I have not been presented with any compelling evidence that reported reductions in public transport services have led to a requirement for higher levels of off-road car parking than those set out in PSPP Policy PSP16.
14. I acknowledge that other planning applications for development on this site have been refused by the Council. Nonetheless, I am tasked with determining the appeal before me. Additionally, whilst I acknowledge comments regarding the accuracy of the plans, based on the information before me I see no reason to find that the submitted plans are inaccurate.
15. The proposed dwelling would occupy a similar sized plot to dwellings in the surrounding area and would be of a similar size to nearby properties. The site has the capacity to accommodate a dwelling of adequate size without harm to the character and appearance of the surrounding area. Therefore, the proposal would not represent an overdevelopment of the appeal site.

Conditions

16. I have had regard to the conditions suggested by the Council in their statement of case, on which the appellant has had the opportunity to comment. Where necessary I have made revisions to some of the conditions put to me to ensure that they meet the tests in the National Planning Policy Framework and Planning Practice Guidance, without altering their fundamental aims.
17. Planning permission is granted subject to the standard three year time limit condition for implementation. In addition, it is necessary to specify the approved plans in the interest of certainty. In the interest of the character and appearance of the street scene, a condition is necessary to control the external materials of the development.

18. A condition relating to the provision of parking is necessary in the interests of highway and pedestrian safety. Conditions relating to the provision of bin and bicycle storage facilities are necessary to ensure the provision of these facilities.
19. The Council has suggested a condition removing certain permitted development rights. I consider that a condition that has the effect of controlling development which could reduce the amount of available amenity space is necessary to ensure the retention of appropriate levels of outdoor living space.
20. I have omitted a suggested condition relating to the approval of a scheme of electric car charging points as this matter is covered by separate legislation.

Conclusion

21. For the reasons given I conclude that the appeal should succeed.

Nichola Robinson

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 drawings: 023-1272-01 Rev A, 023-1272-02 Rev A, 023-1272-055 Rev A.
- 3) The materials used externally in the development hereby permitted shall match those of 1 Oaktree Avenue in colour and texture.
- 4) The development hereby permitted shall not be first occupied until the car parking arrangements have been completed in accordance with drawing reference 023-1272-02 Rev A. The parking space shall be surfaced with a bonded material. This area shall be retained thereafter for the life of the development.
- 5) The development hereby approved shall not be first occupied until facilities for the secure and covered parking of bicycles have been provided in accordance with drawing reference 023-1272-02 Rev A, and thereafter the approved facilities shall be kept available for the parking of bicycles.
- 6) The development hereby permitted shall not be first occupied until facilities for bin storage have been provided in accordance with drawing reference 023-1272-02 Rev A. The bin store shall thereafter be retained.
- 7) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking and re-enacting that order with or without modification), no development as specified in Part 1 Classes A, B, D and E, other than those expressly authorised by this permission, shall be carried out without express planning permission first being obtained from the local planning authority.

END OF CONDITIONS