



Appeal Decision

Site visits made on 28 July and 28 September 2023

by Lewis Condé Msc, Bsc, MRTPI

an Inspector appointed by the Secretary of State

Decision date: 16 November 2023

Appeal Ref: APP/G1630/W/23/3315966

35 Sandfield Road, Churchdown, Gloucester GL3 2HD

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
 - The appeal is made by Mr. Michael Blankson against the decision of Tewkesbury Borough Council.
 - The application Ref 22/00685/OUT, dated 7 June 2022, was refused by notice dated 23 January 2023.
 - The development proposed is 'Construction of 1 no. dwelling (outline application with appearance, scale and landscaping as reserved matters)'.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. Outline planning permission is sought but with access and layout to be considered at this stage. I have determined the appeal on this basis.
3. An initial site visit was conducted on 28 July 2023, however, I was unable to gain access to the appeal site and therefore a subsequent visit was also made on 28 September 2023.

Main Issues

4. The main issues are the effect of the proposal on a) the character and appearance of the area; and b) the living conditions of neighbouring residents/future occupiers.

Reasons

Character and Appearance

5. No. 35 Sandfield Road (no. 35) is a two-storey semi-detached property. It is located in a prominent position near the junction of Sandfield Road with Albemarle Road. The appeal site comprises an area of residential garden land associated with no. 35, that sits to the side and rear of the property.
6. The surrounding area is predominantly residential in nature and contains a mix of dwelling types, that do not have a particular consistent style of design. However, a common feature is that they tend to be of a relatively generous size, set back from the highway behind front gardens/driveways, and are situated within fairly sizeable plots. This provides the area with a spacious residential character. Although not exclusively, dwellings in the surrounding area are also typically served by regular longitudinal plots.

7. The proposal would involve the erection of a single detached dwelling to be positioned in the existing side garden to the north of no. 35. Irrespective of the precise appearance of the proposed dwelling, it would be located on a tight, narrow, plot. Due to the narrow nature of the plot, the footprint and particularly the width of the proposed dwellinghouse would be notably smaller than neighbouring dwellings. Additionally, the dwelling would be situated tight to its boundaries with adjacent residential built form. The proposed dwelling would also be set very close to the adjacent public highway; significantly closer than the prevailing distance of most houses nearby.
8. Together these factors would combine to ensure that the proposal would appear as a cramped form of development, that would be at odds with the more spacious context of the surrounding residential form. The proposal would therefore detract from the character and appearance of the area, while the harm would be exacerbated due to the site's highly visible position in the streetscene.
9. In coming to the above view, I appreciate that, at its nearest point, the existing dwelling at no. 35 is set back a similar distance from the public highway as the proposed dwelling would be. However, this is due to its location near the corner of the street, while for the most part, the frontage of no. 35 is set further back from the highway behind a deeper front garden. Additionally, the appeal site itself contributes to providing no. 35 with a sense of space more akin with nearby surrounding properties.
10. The proposed layout would also involve the provision of an irregular shaped rear garden. It would consist of a long, narrow strip of land providing access from the proposed dwelling to a larger area of outdoor space, which would be set behind the remaining garden to serve no. 35. This rather convoluted arrangement would be in stark contrast to the layout of plots in the surrounding area and further emphasises the cramped and contrived nature of the proposal.
11. Whilst I agree that the appeal scheme would represent infill development and that the site is in a sustainable location for housing, the proposed layout would nonetheless be uncharacteristic of the surrounding pattern of development.
12. Overall, I find that the proposal would cause harm to the character and appearance of the area. It therefore conflicts with Policies SD4 and SD10 of the Gloucester, Cheltenham and Tewkesbury Joint Core Strategy 2011-2031 (adopted 2017) (the JCS), Policy RES5 of the Tewkesbury Borough Local Plan (adopted 2022) (the Local Plan), and Policy CHIN2 of the Churchdown and Innsworth Neighbourhood Development Plan 2011-2031 (Made 2020) (the Neighbourhood Plan). Together these policies, amongst other matters, seek to ensure that new development is of a suitable design quality, that respects the local pattern of development, and positively contributes towards local character and distinctiveness.
13. It would also not comply with the principles set out in Chapter 12 of the National Planning Policy Framework (the Framework), in relation to promoting high-quality design that is sympathetic to local character.

Living Conditions

14. In respect of the living conditions of existing occupiers, the proposal has the potential to cause a harmful loss of privacy or overbearing impacts on the residents at no. 35. This is because the layout of the proposed dwelling suggests that its rear elevation would be closely positioned and orientated to overlook much of the rear garden area of the adjacent property.
15. However, the appeal proposal is in outline, with the scale and appearance of the proposed development to be dealt with via reserved matters. I find it plausible that a scheme could be designed to not entail upper floor windows, serving habitable rooms, in the rear elevation of the proposed dwelling. Likewise, the scale and massing of the scheme that could emerge may not be so significant as to result in overbearing impacts on the neighbouring residents. I appreciate such a scheme may raise separate design concerns (e.g. related to its appearance), but at this stage, it remains conceivable that the proposal would not cause harm to the living conditions of the neighbouring residents.
16. Turning to the living conditions of future occupiers, as noted, the proposed rear garden arrangement would involve a long, narrow (approx. 3m wide) strip of land leading from the proposed dwelling to a wider area at the rear of the plot, which the appellant describes as a garden orchard. It appears from the proposed layout, that a significant proportion of the garden would therefore likely be used as a walkway to the orchard area. I appreciate that the narrow area of garden is capable of being well landscaped, but it remains that its arrangement and diminutive width is likely to make much of the garden impractical for use. For example, the space could not comfortably accommodate a range of domestic activities alongside one another, such as, multiple residents simultaneously using the space for recreation, drying of clothes, children's play, outdoor dining, etc.
17. The larger outdoor space, to the rear end of the plot, could enable a more functional garden area to be provided, albeit the appellant indicates that this is to be planted and maintained as an orchard. In any case, this area of land would be rather divorced from the proposed dwelling and therefore still be somewhat poor and impractical for future residents to use. Overall, I do not consider the proposed garden arrangement would provide suitable outdoor amenity space for future residents of the proposal.
18. Accordingly, I find that the proposed development would provide inappropriate living conditions for future occupiers due to the inadequate provision of private, useable, outdoor space. The scheme is therefore contrary to Policies SD4 and SD14 of the JCS and Policy RES5 of the Local Plan. Amongst other matters, these policies seek to protect amenity standards, including through requiring proposals to provide an acceptable level of amenity space (including residential gardens) for future occupiers.

Other Matters

19. The appellant highlights that the proposal would comply with other development plan policies, however, this is to be expected of new development proposals and therefore does not weigh in favour of the appeal scheme.
20. In support of the proposal, reference has been made to a relatively recent planning permission (ref: 22/00691/FUL) granted by the Council for the

erection of a dormer bungalow at the rear of no. 29 Sandfield Road. However, from the evidence before me¹ and my observations on site, it appears that the context of that permission is not comparable to the scheme before me.

Notably, I understand that previous permission allowed for a backland form of development that is set back significantly from Sandfield Road and therefore far less prominent than the proposed development. I therefore consider it would be less harmful to the character and appearance of the area than the current appeal proposal. My decision therefore does not turn on this matter.

21. The delivery of a new dwelling would make a limited but beneficial contribution to the supply of housing in the area. It would also be capable of providing a variety of other modest social and economic benefits associated with the development of a new home.
22. I also note the appellant's reference to Paragraph 131 of the Framework, however, the proposal would not involve the provision of a community orchard or planting of trees in public spaces. There is also no appropriate mechanism before me to ensure that any trees planted on the site would be retained in perpetuity. As such, I find the proposed benefits of the orchard garden to be highly limited, while it does not overcome my above concerns with the proposed development.
23. Main parties dispute whether the Council can demonstrate a five-year housing land supply (5YHLS) and therefore whether paragraph 11d of the Framework is engaged. Even if a 5YHLS could not be demonstrated, Paragraph 219 of the Framework advises that due weight should still be given to the Council's policies, according to their degree of consistency with the Framework.
24. Notably, the Framework sets an expectation that developments should be visually attractive and well designed, including as a result of its layout, whilst also being sympathetic to local character and maintaining a strong sense of place. The Framework also seeks for new development to promote high standards of amenity for existing and future users. Policies SD4, SD10, SD14, RES5 and CHIN2 are therefore consistent with the Framework and therefore should be given significant weight, irrespective of whether or not the Council can demonstrate a 5YHLS. As such, even if Paragraph 11d of the Framework were to be engaged, I find that the adverse impacts of the proposal would significantly and demonstrably outweigh its benefits, when assessed against the Framework as a whole.

Conclusion

25. The appeal scheme conflicts with the development plan as a whole and there are no other considerations, including the Framework's provisions, which outweigh this finding. Therefore, for the reasons given above and considering all other matters raised, the appeal is dismissed.

Lewis Condé

INSPECTOR

¹ Some of the evidence received instead seemingly refers to another refused planning application (ref:21/01228/FUL) for two dormer bungalows at the same site.