



Appeal Decision

Site visit made on 11 January 2024

by E Worley BA (Hons) Dip EP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 19 January 2024

Appeal Ref: APP/C1625/W/23/3325436

10 St Leonards Close, Upton St Leonards, Gloucestershire GL4 8AL

- 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 Richard Turner against the decision of Stroud District Council.
 - The application Ref S.23/0843/FUL, dated 21 April 2023, was refused by notice dated 16 June 2023.
 - The development proposed is described as 'Proposed erection of a 2 bed dwelling with associated works'.
-

Decision

1. The appeal is dismissed.

Preliminary Matters

2. Since the appeal was lodged, a revised National Planning Policy Framework ('the Framework') has been published. This has not raised any new matters which are determinative to the outcome of this appeal.

Main Issues

3. The main issues are:
 - the effect of the proposed development on the character and appearance of the area; and
 - whether the proposed development would provide satisfactory living conditions for the future occupiers having specific regard to outlook from and overlooking of the rear amenity space.

Reasons

Character and appearance

4. The appeal proposal would see the construction of a detached bungalow on land which forms the side garden of 10 St Leonards Close (No 10). The surrounding area is residential in character and includes detached 2 storey and single storey dwellings of a similar style and appearance. The dwellings in the cul de sac are set back a similar distance from the highway with parking and gardens to the front, and rear gardens of various sizes and lengths.
 5. No 10 lies within a group of detached bungalows at the end of the cul de sac, where its generous side garden gives rise to a sense of openness which contributes positively to the spacious character of the area.
-

6. The proposed bungalow would sit on a plot considerably smaller than the others in St Leonards Close. As such it would result in a cramped form of development with the proposed dwelling having a significantly smaller garden in comparison to the existing residential development in the cul de sac. Moreover, the proposal would diminish the prevailing spacious character of the area through the introduction of a noticeably localised cramped and denser form of development than that of the immediately surrounding area.
7. My attention is drawn to advice in Planning Policy Statement 3 'Housing' (2011) in relation to the provision of amenity space. However, this guidance was revoked following the publication of the Framework and is therefore not determinative to the appeal.
8. I therefore conclude that the proposed development would harm the character and appearance of the area. Accordingly, it would be contrary to Policy HC1(1) of the Stroud District Local Plan, adopted November 2015 (LP) which supports residential development within defined settlements providing it is of a scale, density, layout and design that is compatible with the character, appearance and amenity of the part of the settlement in which it would be located and the density proposed is at as high a level as is acceptable, in terms of townscape, street scene and amenity.

Living conditions of future occupiers

9. The 2 storey side gable at 44A Six Acres (No 44A) lies parallel to and a short distance from the rear boundary of the appeal site. Despite the oblique angle of the boundary between the properties, even at its greatest point, the depth of the rear garden of the proposed bungalow would be modest.
10. Due to the height and width of the gable at No 44A, which extends along a considerable section of the rear boundary of the proposed bungalow, it would be a dominant and severely overbearing feature when viewed from the rear garden of the bungalow, which would also create a feeling of enclosure.
11. The existing first floor dormer window at 11 St Leonards Close (No 11) overlooks the existing garden space to the side and rear of No 10. However, due to the siting of the proposed bungalow any view from the dormer window of its rear garden would be restricted to a small part of the garden adjacent to the side boundary with No 11 only, thus affording a degree of privacy for future occupiers.
12. For the foregoing reasons, while the proposal would provide suitable living conditions for the future occupiers in terms of privacy of the rear amenity space, it would not do so with regards to outlook from the rear garden. Accordingly, the proposal would conflict with the aims of Policy ES3 of the LP, which seeks to resist development which would result in, among other things, an unacceptable overbearing effect.

Other Matters

13. The proposed development is located within the core catchment zone for the Cotswolds Beechwoods Special Area of Conservation (SAC) which is subject to pressures from recreational disturbance. Had I been minded to allow the appeal, it would have been necessary to establish whether the proposal on its own or in combination with other projects would likely have significant environmental effects on the integrity of the SAC. However, given my findings

above, it has not been necessary for me to pursue this issue further. A finding that the proposal would not have an adverse effect on integrity, with or without any mitigation, would be at best a neutral matter.

14. The Council has not raised an objection to the proposal in relation to the effect of the development upon the living conditions of the occupiers of the neighbouring properties. Given the scale and siting of the bungalow, even taking account of the difference in ground levels, I have no reason to disagree.
15. I have had regard to concerns raised by interested parties regarding surface water drainage. However, as I am dismissing the appeal on the main issues for the reasons given above, I have not pursued this matter further.
16. I note that the appeal proposal is a resubmission of a previous scheme, during the consideration of which the main issues set out in the refusal reasons were not raised by the Council. However, I can only assess the current proposal based on the information before me.

Conclusion

17. The proposal would conflict with the development plan taken as a whole. Material considerations have not been shown to carry sufficient weight to indicate that a decision should be taken otherwise than in accordance with it. Therefore, the appeal is dismissed.

E Worley

INSPECTOR