



Appeal Decision

Site visit made on 5 December 2023

by Stephen Hawkins MA, MRTPI

an Inspector appointed by the Secretary of State

Decision date: 29 January 2024

Appeal Ref: APP/P0119/C/23/3330101

59 Goldcrest Road, Chipping Sodbury, Bristol BS37 6XG

- The appeal is made under section 174 of the Town and Country Planning Act 1990 as amended. The appeal is made by Mr Mark Dyer against an enforcement notice issued by South Gloucestershire Council.
 - The notice was issued on 7 September 2023.
 - The breach of planning control as alleged in the notice is without planning permission, the erection of a detached garage.
 - The requirements of the notice are to permanently and completely remove the garage from the land and all associated materials.
 - The period for compliance with the requirements is two months.
 - The appeal is proceeding on the grounds set out in section 174(2) (a) of the Town and Country Planning Act 1990 as amended. Since an appeal has been brought on ground (a), an application for planning permission is deemed to have been made under section 177(5) of the Act.
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Decision

1. The appeal is allowed, the enforcement notice is quashed and planning permission is granted on the application deemed to have been made under section 177(5) of the 1990 Act as amended for the development already carried out, namely the erection of a detached garage on land at 59 Goldcrest Road, Chipping Sodbury, Bristol BS37 6XG referred to in the notice, subject to the condition in the Schedule at the end of this Decision.

Preliminary Matter

2. The revised National Planning Policy Framework (the Framework) was published on 19 December 2023. The main parties have had an opportunity to comment on the implications of the Framework in relation to the appeal and I have taken it into account in my Decision.

Ground (a) appeal

Main Issues

3. The main issues in this appeal are:
 - The effect of the garage on the character and appearance of the area.
 - Whether suitable living conditions are provided for existing and future occupiers of the dwelling, having regard to private outdoor amenity space.

Reasons

Character and appearance

4. The appeal property contains an enlarged two-storey semi-detached dwelling, with three bedrooms. The dwelling is located on a planned modern residential estate, laid out to reflect the 'Radburn' design principles of segregating people and traffic. The dwelling and neighbouring properties are constructed from similar external materials and are arranged fronting onto public paths, with a separate service road leading to freestanding single garages and off-street parking spaces at the end of the rear gardens. For the most part, the garages originated around the same time as the dwellings, they are positioned adjacent to the roadway and are constructed in similar coloured bricks under monopitch roofs. Tall walls and fences together with other outbuildings also back onto the roadway. These factors contribute to a secondary, largely functional, unassuming and somewhat restrictive feel along the roadway and in its immediate environs. This is all in marked contrast to the pleasantly spacious, well-landscaped and harmonious suburban visual qualities enjoyed at and around the fronts of dwellings in the vicinity.
5. The enforcement notice attacks a freestanding garage, erected to replace the original garage at the property. Like the pre-existing structure and neighbouring garages, the front elevation is adjacent to the roadway. The garage has a dual pitched roof with the gable ends parallel to the roadway and is considerably wider and deeper, as well as being appreciably taller, than the pre-existing structure and neighbouring garages. Even so, the increase in the scale of built form at the property has not significantly eroded the positive visual attributes of the environs. The garage sits comfortably in the context of the secondary, functional structures reiterated along the roadway without giving rise to a cramped, more built-up or restrictive feel.
6. The size and bulk of the garage is readily distinguishable in views in the surroundings, including along the roadway, above the generally lower profile rooflines and more modest scale of the neighbouring garages. However, the garage is also viewed against the backdrop of dwellings on both sides of the roadway. In the context of the much larger proportions of the dwellings, the garage appears as a relatively small-scale, subservient structure. The roof treatment, which is not dissimilar to that of the dwelling and neighbouring properties, also assists in integrating the garage visually with its surroundings. Consequently, in terms of its scale and form the garage respects the pattern of development in the locality and is not viewed as an alien feature in relation to its setting.
7. I am also mindful of the planning permission recently granted to erect a freestanding structure in the curtilage of 6 Goldcrest Road (No 6) nearby¹. The permitted scheme is similar to the garage in terms of its scale, form and siting adjacent to the roadway, as well as in relation to its setting. Each application ultimately falls to be determined on its individual planning merits. Even so, the facts and circumstances relevant to the garage are not markedly different to those which led to the granting of the above permission. The similarity with the permitted scheme therefore reinforces my views in relation to the absence of adverse visual consequences arising from the scale and form of the garage. Since I have referred to the permitted scheme for comparison purposes, any

¹ Council Ref: P22/03592/HH.

difference between that scheme and what has eventually been built at No 6 is of limited relevance in this appeal.

8. The colour and profile of the garage roof tiles are similar to those utilised on the roof of the dwelling and are not appreciably different to the roof tiles on neighbouring properties. The dark coloured bricks utilised on the external wall plinth do not sit uncomfortably with the buff colour bricks on the external walls of the dwelling or the varying shades of brickwork found on other properties in the vicinity. Similarly, the dark colour finish of the garage door is not at odds with the variety of colours applied to garage doors in the locality. The garage door installed in the structure erected at No 6 has a similar finished colour.
9. The somewhat striking white coloured render applied to the external walls of the garage does not relate well to the built surroundings, differing markedly in appearance from that of the brickwork generally utilised on the external walls of properties in the vicinity. Since external finishes of render and brick can often complement one another however, the finished colour does not necessarily mean that the use of render on the garage is visually objectionable in itself. Painting the render in a colour which better reflected the warmer, more mellow tones of the brickwork on the dwelling would help in successfully assimilating the garage into its surroundings and could be secured by imposing a suitable planning condition. Accordingly, the external finishes of the garage either respect and reflect those of surrounding development or could be made to do so.
10. For the above reasons, the garage does not harm the character and appearance of the area and there is no conflict with criterion in Policy PSP38 of the Council's Policies Sites and Places Plan (LP), which requires householder developments to respect the building line, form, scale, proportions and external materials amongst other matters, of the street and surrounding area. There is also no conflict with Policy CS1 of the Council's Core Strategy (CS), which requires development to among other things have a siting, form, scale, height, massing, detailing, colour and materials that is informed by and which respects and enhances the character, distinctiveness and amenity of the site and its context. The garage is also consistent with the general principles set out in the Council's Householder Design Guide, including by reference to its design, integration, subservience in scale and character and response to the characteristics of the prevailing street scene. Furthermore, the garage is consistent with the Framework in relation to achieving well-designed and beautiful places.

Living conditions

11. The increased built footprint of the garage over that of the pre-existing structure has reduced the overall size of the appellant's rear garden. The appellant calculated the reduction in size to be in the region of 10 m², leaving a rear garden with an area of about 50 m². Based on my own observations, there is no sound reason to question the accuracy of the appellant's figures. The remaining rear garden provides a sufficient area of useable and attractive outdoor space so as to enable the existing and future occupiers of a dwelling of this size to undertake a wide range of activities normally associated with a private garden, such as drying washing, cultivating plants, children's play or informal recreation. As far as I could see, the rear garden is not a significantly smaller or otherwise markedly less functional or attractive outdoor space when

compared to the rear gardens of other dwellings in the vicinity. In addition, although the garage is situated at a slightly higher ground level there is little firm evidence that its scale has led to significant additional overshadowing or overbearing effects in the appellant's rear garden compared to the pre-existing structure.

12. Therefore, the garage safeguards the living conditions of existing and future occupiers of the dwelling by providing suitable private outdoor amenity space. There is no conflict with criterion in LP Policy PSP38, which seeks to ensure that adequate private amenity space provision is not prejudiced. Furthermore, by ensuring a high standard of amenity for existing and future users the garage is consistent with the Framework. Given that LP Policy PSP43 is principally directed at the creation of new dwellings, the private amenity space standards set out therein are of limited relevance in relation to this appeal.

Conditions

13. After seeking the views of the main parties, I shall impose a condition requiring the walls of the garage to be repainted a more suitable colour in accordance with details to be approved by the Council and thereafter for the garage to be maintained in accordance with those details. The condition, which is necessary to safeguard the character and appearance of the area, is drafted in the form set out below because, unlike an application for planning permission for development yet to commence, in the case of a retrospective grant of permission it is not possible to use a negatively worded condition precedent to secure the implementation of the required works, because the development has already taken place. The purpose and effect of the condition is therefore to ensure that the garage may only remain if the appellant complies with its requirements. No other conditions are necessary.

Conclusion

14. The garage does not harm the character and appearance of the area or the living conditions of existing and future occupiers of the dwelling and accords with the Development Plan, taken as a whole. Therefore, I conclude that the appeal should succeed on ground (a) and planning permission will be granted.

Stephen Hawkins

INSPECTOR

CONDITIONS SCHEDULE

- 1) Unless within two months of the date of this decision a scheme for the painting in a suitable colour of the render on the external walls of the garage hereby permitted is submitted in writing to the Local Planning Authority for approval, and unless the approved scheme is implemented within two months of the Local Planning Authority's approval, the garage shall be demolished and all the resulting materials removed from the site until such time as a scheme is approved and implemented.

If no scheme in accordance with this condition is approved within four months of the date of this decision, the garage shall be demolished and all the resulting materials removed from the site until such time as a scheme approved by the Local Planning Authority is implemented.

Upon implementation of the approved scheme specified in this condition, the garage shall thereafter be maintained in accordance with that scheme.

In the event of a legal challenge to this decision, or to a decision made pursuant to the procedure set out in this condition, the operation of the time limits specified in this condition will be suspended until that legal challenge has been finally determined.