



Appeal Decision

Site visit made on 6 December 2023

by E Pickernell BSc MSC MRTPI

an Inspector appointed by the Secretary of State

Decision date: 01 February 2024

Appeal Ref: APP/P0119/D/23/3323909

22 Hillview Road, Pucklechurch, South Gloucestershire BS16 9RQ

- 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 Matthew Bath against the decision of South Gloucestershire Council.
 - The application Ref P23/00487/HH, dated 6 February 2023, was refused by notice dated 31 March 2023.
 - The development proposed is front porch extension, rear lean-to extension, garden store (replacing existing shed), garden raised and levelled to allow for garage/car port built into ground. External flues for log burners front and rear.
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Decision

1. The appeal is dismissed insofar as those parts of the development which relate to the raising and levelling of the garden to allow for garage/car port built into ground. The appeal is allowed for the front porch extension, rear lean-to extension and garden store (replacing existing shed) at 22 Hillview Road, Pucklechurch, South Gloucestershire BS16 9RQ in accordance with the terms of the application, Ref P23/00487/HH, dated 6 February 2023, and the plans submitted with it so far as relevant to that part of the development hereby permitted and subject to the following 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 plans: PL00, PL01, PL02, PL03, PL04, PL05, PL06, PL07, except in respect of the provision of the raising and levelling of the garden to allow for garage/car port as indicated on drawings PL00 and PL06.

Preliminary Matters

2. The Council issued a split decision with planning permission granted for the front porch extension, rear lean-to extension and garden store, but refused for works related to the raising and levelling of the garden to allow for garage/car port building into the ground. Section 79 (1) (b) of the Town and Country Planning Act 1990 allows that on appeal the Secretary of State may deal with the application as if it had been made to him in the first instance. I am therefore, not restricted to dealing with only the elements which have concerned the Council.
3. In this regard I have assessed the parts of the development that the Council granted planning permission for in decision notice ref: P23/00487/HH. I agree with the Council's assessment that the front porch extension, rear lean-to

extension and garden store are acceptable and accord with Policies CS1 of the South Gloucestershire Local Plan Core Strategy 2006 – 2027 (CS) and PSP38 of the South Gloucestershire Local Plan Policies Sites and Places Plan (PSPP) (Adopted November 2017) which amongst other things, require development to be of a high standard of design and, respect the existing character and appearance of the area. I discuss relevant conditions for those parts of the development granted planning permission later in this decision.

4. The parts of the development that I focus on in this decision are the works that relate to the raising and levelling of the garden and the garage/car port which is proposed to the southeast of the site.

Main Issue

5. The main issue is the effect of the raising and levelling of the garden to allow for the erection of a garage/car port, on the character and appearance of the host dwelling and the area.

Reasons

6. The appeal site comprises a semi-detached dwelling located on the edge of the built-up area of Pucklechurch. It has a rear garden which slopes down towards an existing parking area accessed from Feltham Road. To either side of the appeal site are generous residential gardens. Although there are some openings to provide vehicular access, the northwest side of Feltham Road, near to the appeal site, primarily comprises mature hedging. On the opposite side of Feltham Road is further hedging which forms the boundary of open fields beyond, which are within the Green Belt. Overall, the area has a semi-rural, transitional character and the appeal site contributes to this.
7. The proposal includes the raising of the land levels of the garden and the formation of a building beneath, adjacent to the existing parking area. The southeastern elevation of the structure would extend the majority of the width of the plot. It would be punctuated by two openings to form a car port and a door giving access to a garage/workshop, but the mass and bulk of the building would be substantial. The depth of the building would be somewhat concealed by the proposed raising of the garden land level. However, in the context of the well landscaped surroundings, the overall effect would be an oppressive and dominant structure which would be at odds with the semi-rural character of the area.
8. The width of the building would exceed that of the host dwelling, and when viewed from Feltham Road, would appear out of proportion with its scale in comparison. As such, although the garage/carport would be set down from the main building, because of its overall size and mass, it would have a jarring relationship with it when viewed from the rear. Therefore, although the use of the garage would be incidental to the main house, it would not be subservient to it and does not reflect the secondary nature of the proposed building, in terms of scale.
9. I conclude that the proposal would have an unacceptably harmful effect on the character and appearance of the host dwelling and the area. It would therefore conflict with Policy CS1 of the CS, Policies PSP1 and PSP38 of the PSPP, and the National Planning Policy Framework (the Framework). Collectively, these seek to ensure that development is of a high standard of design and that it is

informed by and respects the character and distinctiveness of the area. It would also conflict with the South Gloucestershire Council Annexes and Residential Outbuildings Supplementary Planning Document (Adopted October 2021) which seeks to ensure outbuildings are appropriately scaled and have an acceptable relationship with the main house.

Other Matters

10. I noted a number of garages and extensions nearby, including within the Green Belt, however none of the examples I saw had a comparable mass and bulk to the appeal scheme. I acknowledge that the proposal would provide valuable storage for the appellant who has a motorbike collection, and a more useable garden, however these are personal benefits which attract little weight. I also note that no objections were received, and that the proposal has not been identified as having a harmful effect on the living conditions of neighbours. However, the lack of harm in this regard is a neutral factor. I have given consideration as to whether any conditions could be imposed to mitigate the harm identified, including landscaping and biodiversity net gain however there are none which could lead me to a contrary conclusion.

Conditions

11. I have considered which planning conditions are required, having regard to the tests contained in the Planning Practice Guide. In addition to the standard time limit condition, I have imposed a condition requiring that the development is carried out in accordance with the approved plans, except in respect of the provision of the raising and levelling of the garden to allow for garage/car port. This is in the interests of certainty.

Conclusion

12. For the reasons given above, I conclude that a split decision is necessary and the parts of the appeal that relate to the front porch, rear lean-to extension and garden store, accord with the development plan are allowed and granted planning permission subject to conditions.
13. The appeal for the parts of the development that relate to the raising and levelling of the garden to allow for garage/car port built into ground are dismissed as they would have a harmful effect on the character and appearance of the host dwelling and the area and would conflict with the development plan when considered as a whole. There are no material considerations, including the Framework, that would outweigh that conflict.

E Pickernell

INSPECTOR