

Appeal Decision

Site visit made on 10 January 2024

by John Whalley

an Inspector appointed by the Secretary of State

Decision date: 01 February 2024

Appeal ref: APP/C1625/W/23/3326028

Land to the rear of 44 Salter Street, Berkeley GL13 9DB

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal of planning permission.
 - The appeal is made by John Mooney against the decision of Stroud District Council.
 - The application, ref. S.22/2373/FUL, dated 28 October 2022, was refused by a notice dated 18 January 2023.
 - The development is: Erection of a two bedroom dwelling and associated parking.
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Decision

1. The appeal is dismissed.

Main issue

2. The decision turns on the likely effect of the proposed dwelling on the appearance and character of the street scene in this part of the Berkeley Conservation Area.

Appeal site

3. The appeal site lies just within the northern limit of the Berkeley Conservation Area in the attractive village of Berkeley. The site is the larger part of the rear, northern, garden to No. 44 The Cottage, Salter Street close to the junction with Leaze Close.

Considerations

4. The small 2 storey dwelling would be built close the rear edge of the Leaze Close footway, opposite No. 2. Almost all doors and fenestration would be built into the front and rear gable walls. The roof ridge would run across the narrow width of the house. A small 'L' shaped parking and amenity area would be provided to the south side and to the rear of the house.
5. In my view, the layout, design and positioning of the proposed dwelling would display several unsatisfactory features. The house would be too close to the fronting Leaze Close, appearing awkwardly and incongruously imposed in the street scene. That siting appears to have been driven by an attempt to provide adequate distance between the rear elevation of the house and No. 42 Salter Street to maintain privacy and limit overlooking. The provision of a spacing of 10m, however, falls well short of the Councils desirable distance of 25m, sought

to minimise overlooking and loss of privacy between the new house and the Listed Building house at No. 42 Salter Street.

6. The new house, whilst I recognise the possible beneficial use as a starter or low cost home, would have extremely limited amenity space, with only a small enclosed area to the rear. There would also be a serious loss of amenity space to No. 44 Salter Street, The Cottage. Both residential curtilages would appear unsatisfactorily cramped, at odds with other houses in Leaze Close.
7. I am also concerned that the design of the new house would appear ill-fitting in this part of the Conservation Area. The house's high roof, resulting from the roof ridge being parallel to the narrow frontage, would add to its inharmonious appearance, as would the fitting of virtually all windows and doors in the gable walls, features that rarely produce a pleasing design.
8. I agree with the Council that the proposed new dwelling in the rear garden of No. 44 Salter Street would have a harmful impact on the character of the street scene and wider Conservation Area. It would not comply with Local Plan Policy in the Stroud Local Plan, in particular Policy HC1 which requires that proposals for small-scale housing development within defined settlements are of a scale, density, layout and design compatible with the character and appearance of the surrounding area and provide appropriate private amenity space.
9. The Appellant was right to say that it is a matter of interpretation as to whether the new dwelling would look cramped or awkward in its location. Understandably, he took the view it would be sufficiently distant from surrounding properties as to not block daylight and give each surrounding dwelling ample privacy with no overlooking. However, my conclusion is that the Council were right in their assessment that the new dwelling would look cramped within the plot and result in an incongruous form of development that would have a harmful impact on the character of the street scene and wider Conservation Area.
10. I conclude that the proposed dwelling and its siting in the garden to No. 44 would not meet the requirement contained in The Planning (Listed Buildings and Conservation Areas) Act 1990 which at s.72(2) says special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area.

Conclusion

11. For the reasons outlined above, the appeal is dismissed.

John Whalley

INSPECTOR