



Appeal Decision

Site visit made on 20 December 2023

by Lewis Condé Msc, Bsc, MRTPI

an Inspector appointed by the Secretary of State

Decision date: 01 February 2024

Appeal Ref: APP/P1615/W/23/3317423

10 Loop Road, Beachley, Gloucestershire NP16 7HE

- 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 & Mrs G Evans against the decision of Forest of Dean District Council.
 - The application Ref P0686/22/FUL, dated 6 June 2022, was refused by notice dated 1 September 2022.
 - The development proposed is new dwelling with associated works.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. A revised version of the National Planning Policy Framework (the Framework) was issued on 19 December 2023. Both main parties were offered the opportunity to comment on the implication of the changes to national policy on the appeal proposal. Where received, comments have been taken into account.

Main Issues

3. The main issues are the effect of the proposed development on: i) the character and appearance of the area; ii) the living conditions of any potential future residents with regard to the provision of suitable external space; and iii) the living conditions of existing neighbouring residents of 10A Loop Road, with regards to privacy, outlook and loss of light.

Reasons

Character and Appearance

4. The appeal site is a plot of land located adjacent to no. 10 Loop Road. It contains a timber outbuilding and appears as though it previously formed part of the residential garden of the adjacent property, but has subsequently been segregated off.
5. Loop Road is a relatively long street with a suburban residential character. Dwellings in the surrounding area, vary significantly in terms of their age and design. However, within the vicinity of the site they are primarily detached properties, set back from the highway, and occupying sizeable plots. Surrounding built development contains a rather strong horizontal emphasis with many dwellings displaying elongated frontages and being served by wide plots. This results in the area having a spacious character. This is despite some

infill development having already taken place along the street, including at no. 12a Loop Road (no. 12a).

6. The proposed dwelling would be set back from the highway on a consistent building line with adjacent properties. However, it would occupy a notably narrower site than the majority of dwellings within the street, and particularly compared to its immediate adjoining neighbours. There are variations in the height of dwellings across the street, such that the introduction of an additional two-storey dwelling would not necessarily look out of place. However, in this instance, I find the combination of the narrow width of the site, alongside the two-storey nature of the property, which would be positioned rather tight to the site's boundaries, would result in the proposal appearing as a rather cramped form of development given the surrounding context. In particular, its position between two bungalows that are served by more spacious plots would emphasise the cramped nature of the proposal.
7. As such, I find that the proposal would be at odds with the wider pattern of development along Loop Road and result in an unsympathetic addition.
8. In coming to the above view, I appreciate that the proposed development would have an overall plot size considerably in excess of that outlined as being appropriate for suburban housing in the Council's Residential Design Guide (adopted 1998) (the SPG). However, this does not overcome the fact that the appeal site would be narrow in comparison to most neighbouring plots, whilst the proposed dwelling would appear cramped. Furthermore, the SPG is guidance only, and the document also makes clear that the context of the development site and local characteristics should be taken into consideration.
9. I also note that the proposal would have similarities to the development at no. 12a in terms of its scale and plot size/arrangement. I have limited details of the planning permission for no. 12a, including the planning history of the site. However, I find that no. 12a is not reflective of the prevailing character of the street, whilst similar replication of that development on the appeal site would harmfully erode the area's overall spacious character.
10. Although reasonably localised in its extent, the effect of the scheme would be to unacceptably harm the character and appearance of the area. Accordingly, the proposed development conflicts with Policy CSP.1 and CSP.4 of the Forest of Dean District Council Core Strategy (adopted 2012) (the Core Strategy) and Policies AP.1 and AP.4 of the Forest of Dean District Council Allocations Plan 2006 to 2026 (adopted 2018) (the Allocations Plan) and the guidance of the SPG. Together, amongst other matters, these policies and guidance seek to ensure that new development is of a high design quality that takes account of distinctive local character and context.
11. Likewise, the development would also conflict with the aims of the Framework and the National Design Guide which promote development that is sympathetic to its surroundings.
12. The Council has also referred to Policy CSP.16 of the Core Strategy in its reason for refusal. However, I do not find it to be applicable in this instance given the policy relates to the Council's overarching development strategy for villages across the plan area.

Living Conditions of Potential Future Residents

13. The proposal is for a four-bedroom dwelling and therefore is suitable for a family home. The SPG recommends that an average of 100sqm of private garden space, to the rear of the plot, should be provided for family dwellings. The proposal does not meet this recommendation.
14. Although the overall plot area is not insignificant, private external amenity space would be limited to a rear garden that is extremely shallow in depth. I appreciate that the rear garden would provide space for sitting outside and may have an expansive and attractive outlook over the River Severn beyond. Nonetheless, due to its size, particularly its depth, the proposed rear garden contains limited, practical, useable space.
15. Indeed, because of its size and configuration, I find that even basic functions such as multiple residents utilising the proposed rear garden space, simultaneously, or for different functions (e.g. children's play, hanging of washing, outdoor dining etc.) would be severely compromised. The fact that garden/refuse storage could be provided in a passageway to the side of the proposed house, to my mind, does not overcome the above limitations.
16. Additionally, given the limited depth of the rear garden, the proposed two-storey dwelling would have a rather imposing presence on users of the space, whilst due to its orientation the rear garden is likely to be overshadowed for much of the day.
17. The proposed development would also incorporate a front garden, but this would largely accommodate vehicle parking. The front garden therefore does not provide practical outdoor amenity space, while its position in the street is also unlikely to afford it with sufficient privacy.
18. Overall, I find that the proposal would not be served by a suitable standard of private external garden space. It would therefore not provide acceptable living conditions for potential future occupiers of the proposed development. Accordingly, the appeal scheme does not comply with Policy CSP.1 of the Core Strategy or Policy AP.4 of the Allocations Plan. Together these policies, amongst other matters, seeks for new development to respect the amenity of residents and others. The proposal would also not adhere to the guidance of the SPG in relation to the provision of appropriate private amenity space.
19. Similarly, the proposal would conflict with the aims of the Framework and the National Design Guide in respect of promoting development that incorporates a high standard of amenity for future users.

Living Conditions of Neighbouring Residents

20. The rooflight serving a bedroom in the southern roof-plane of the proposed dwelling would enable partial views over the rear garden space of no. 10a. However, I do not consider that it would result in any meaningful loss of privacy to the neighbouring residents. This is due to the angled nature of the rooflight, its position within the roof slope, and the partial nature of the views it would allow. In reaching this view, I am mindful that the rear garden area of no. 10a is already somewhat overlooked from another adjacent neighbouring property.

21. The proposed dwelling would be positioned perpendicular to no. 10a and would neither project beyond the rear elevation or front elevation of the neighbouring property. There is already an approximate 2m high fence along the boundary with no. 10a. The fence is located fairly tight to the side elevations of no. 10a and also encloses a 'courtyard arrangement' that contains a conservatory. Although the proposed two-storey dwelling would be considerably higher than the boundary fence, it would be set off the boundary. Furthermore, the nearest part of the proposed dwelling to the boundary line is a side projecting gable end, with the main bulk of the proposed dwelling set further away. These features together with the proposal's siting to the south of no. 10a should ensure that the neighbouring residents do not suffer any meaningful overbearing impacts or loss of light.
22. From my observations on site, the proposal would also not lead to any significant harmful effects to the living conditions of any other neighbouring residents.
23. Accordingly, I find that the proposal would not harm the living condition of any neighbouring residents, and in respect of this main issue, complies with Policies CSP.1 of the Core Strategy, Policy AP.4 of the Allocations Plan and guidance within the Council's SPG, which amongst other matters seek for new development to respect the amenity of residents and others.
24. In relation to this main issue, I also do not find the proposal to conflict with the Framework or the National Design Guide in terms of maintaining appropriate standards of amenity for existing users.

Other Matters

25. Reference has been made to design guidance prepared by Cannock Chase District Council in the appellant's submission. However, the guidance is not applicable to the appeal proposal.
26. Although the proposal may be located within a settlement boundary and therefore, in principle, may be a suitable location for new residential development, there is no evidence to suggest that outline permission already exists for a dwelling on the site.

Planning Balance and Conclusion

27. The proposal is contrary to Policies CSP.1, CSP.4, AP.1 and AP.4 of the adopted development plan for the reasons previously set out. These are important policies that seek to promote high-quality design, protect local character and distinctiveness, and safeguard residents' living conditions. For this appeal, I have found these policies to be generally consistent with the relevant aims of the Framework and whilst they can act to restrict the supply of housing, I attach considerable weight to them. Although I have found no harm in relation to the living conditions of existing neighbouring residents, it remains that the proposal does not accord with the development plan taken as a whole.
28. The Council cannot demonstrate a five-year housing land supply as detailed within the Framework. In such circumstances, Paragraph 11d)ii) of the Framework advises that permission should be granted, unless any adverse impacts of doing so, would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole.

29. The proposal would provide a small contribution to the supply of housing and towards addressing the Council's shortfall. There would also be socio-economic benefits associated with the delivery and subsequent occupation of the proposed dwelling. Nevertheless, the overall benefits of the proposal would be limited given that it involves the provision of a single dwelling.
30. Against the identified benefits, the harm to the character and appearance of the area and potential future resident's living conditions would be significant. Given these harms, I also do not consider the proposal to make effective use of the land. When assessed against the policies in the Framework taken as a whole, I find that the adverse impacts would significantly and demonstrably outweigh the benefits. The presumption in favour of sustainable development therefore does not apply.
31. For the reasons given above, the proposal conflicts with the development plan when taken as a whole. There are no material considerations, including the provisions of the Framework, that indicate that a decision should be made other than in accordance with it. Therefore, the appeal is dismissed.

Lewis Condé

INSPECTOR