



Appeal Decision

Site visit made on 9 January 2024

by K Jones BA (Hons) DipLA CMLI

an Inspector appointed by the Secretary of State

Decision date: 14 February 2024

Appeal Ref: APP/P0119/W/23/3323465

77 Long Beach Road, Longwell Green, South Gloucestershire BS30 9XD

- 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 Clark against the decision of South Gloucestershire Council.
- The application Ref P23/00627/F, dated 15 February 2023, was refused by notice dated 6 April 2023.
- The development proposed is the erection of a two-storey side extension to form 1no attached one bed dwelling, with associated works.

Decision

1. The appeal is allowed and planning permission is granted for the erection of a two-storey side extension to form 1no attached one bed dwelling, with associated works at 77 Long Beach Road, Longwell Green, South Gloucestershire BS30 9XD in accordance with the terms of the application, Ref P23/00627/F, dated 15 February 2023, subject to the attached schedule of conditions.

Preliminary Matters

2. The National Planning Policy Framework (the Framework) was revised on 19 December 2023, with a further update on 20 December 2023. I have consulted the main parties on the changes and have had regard to any representations received.

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 future occupiers, with particular regard to private garden space and outlook.

Reasons

Character and appearance

4. The appeal site is located to the side of 77 Long Beach Road, comprising one of two attached garages, and an area of existing residential garden to their rear. The Council raises no concerns regarding the overall design of the proposed dwelling, but finds harm in relation to the shape and form of the garden area. The proposed garden is largely screened from public view by existing development, and is bordered by an access to a private parking court. Even

where visible, as an existing area of fenced garden, the exterior change resulting from the subdivision of the existing plot would be very minor.

5. While the proposed area of garden is smaller than many of those locally, the evidence shows that there are small gardens in the vicinity of the appeal site, of various shapes and orientations. My own observations were that there are also several instances in the local area where tall boundary fences lie very close to property walls, indicating that small or constrained gardens lie beyond them.
6. Given this context and the limited change to the rear exterior of the site, I find that the proposed garden would not result in harm to the character and appearance of the surrounding area. The proposal would therefore accord with Policy CS1 of the South Gloucestershire Local Plan: Core Strategy (the Core Strategy), and Policies PSP38 and PSP43 of the South Gloucestershire Local Plan: Policies, Sites, and Places Plan (the PSP Plan). In relation to this main issue, these policies require the highest possible standards of design and site planning that would respect and enhance the character and distinctiveness of both the site and its context. The proposal would also accord with the Framework where it seeks developments which are sympathetic to local character, including the surrounding built environment.

Living conditions

7. My attention has been drawn to a previous appeal decision¹, along with a number of decisions made by the Council for new development at the appeal site. These proposals have sought various configurations of residential development at the site, including flats and houses. The decisions have consistently found that the available land associated with the site would not provide adequate private garden space for new residential development, and would not provide a satisfactory outlook for future occupiers.
8. While I have had regard to the previous decisions made at the appeal site, I have carried out my own assessment based on the evidence before me, including my site visit. During this visit I observed that the additional 'scrubland' described by the appellant has now been included within the garden. This has deepened the available space for the proposed garden area to the rear of the dwelling.
9. While the additional land is modest in size, it has made the space more useable, and across the full width of the garden has added a valuable area. It is evident given the existing use of the space that it can accommodate a table and chairs suitable for a 1-bedroomed dwelling, and would have space to dry clothes and accommodate a small store. The space also currently contains some raised planters and ornamental planting.
10. Policy PSP43 of the PSP Plan sets out, as a guide, minimum external space standards. For a 1-bedroomed dwelling, this figure is 40m². Including the proposed balcony, the proposal would provide 33m² of usable external space. The appellant has provided several examples of decisions made at different sites in the Council area which do not rigidly apply the figures of Policy PSP43. In many of these cases, consideration is given to the likely occupiers of dwellings, and the accessibility of public open space. This is reflective of the

¹ APP/P0119/W/3224588

accompanying text to Policy PSP43, which reiterates that the space standards are a guide, and sets out further information on the anticipated usability of the space.

11. In this case, the 1-bedroomed dwelling proposed is unlikely to be occupied by a family who may have a greater requirement for private outdoor space. The site is also close to an attractive and well-managed network of open spaces and footpaths linked to Willsbridge Mill and the Willsbridge Valley Nature Reserve which provide usable amenity space. Taking these factors into account, in combination with the larger area of garden now proposed, I find that there would be sufficient private garden space associated with the dwelling.
12. I note the presence of a rear window serving the neighbouring garage, which looks directly onto part of the proposed garden. This is an existing relationship between the garage and the appellant's existing garden, and during my site visit the window was obscured by a closed internal blind. Even if the garage were to change use in the future, given the typical level and type of use associated with a detached outbuilding, and its location offset to one side of the space, I find that the perpetuation of this relationship would not be unduly harmful to the privacy of future occupiers.
13. With regard to the outlook from within the proposed dwelling, the garden boundary fence would sit approximately 3.5m from the rear wall of the property. French doors serving the living room on the ground floor would face this boundary. The installed garden fence is approximately 1.5m high, with a short panel of trellis above and some planting against the fence. The nearest buildings are some distance away, and an open outlook above the fence is readily apparent. Facing south-west, the garden space and rear elevation of the property would maintain a relatively open and light aspect.
14. I note that the Inspector of the previous appeal found the separation distance of approximately 2m between the dwelling and boundary fence to result in an unacceptable outlook for new occupiers. The property in question at that time was a proposed ground floor flat, and the sensitivity of the primary outlook from such a dwelling is likely to have been significant. In this case, the dwelling proposed is a two-storey house with windows affording varied outlooks from habitable rooms. Considered alongside the increased width of garden space I find that the outlook from the proposed living room would be acceptable.
15. The Council has highlighted that the relationship between the French doors and the fence would conflict with guidance set out in Section 3.3 of the Council's Householder Design Guide Supplementary Planning Document (the SPD). This indicates that where a window to a primary room faces onto the blank elevation of another building, a separation distance of 12 metres should be maintained. As described, the facing fence is substantially lower than a typical building, and is softened with trellis and planting. It would not have the same abrupt effect on outlook, and as such, I attach limited weight to the separation distances identified in the SPD in this instance.
16. I note that the adjacent dwelling at No 77 has received planning permission for a single-storey rear extension. I have been provided with limited detail of this scheme, however such relationships are common between attached properties. Positioned to the side of the primary outlook of the proposed dwelling, I do not find that a neighbouring single storey extension would have an unacceptable effect on outlook.

17. Taking all of the above into account, I conclude that the proposal would provide satisfactory living conditions for future occupiers, with particular regard to private garden space and outlook. The proposal would therefore accord with Policies PSP8, PSP38 and PSP43 of the PSP Plan. Taken together, these policies require, amongst other matters, development that does not create unacceptable living conditions, and which provides adequate private amenity space of a sufficient size and functional shape to meet the needs of the likely number of occupiers. In this regard, the proposal would also accord with the Framework where it seeks developments which create a high standard of amenity for future users.

Conditions

18. The Council provided a list of suggested conditions, which I have reviewed with regard to the Framework and the Planning Practice Guidance (PPG). Where appropriate I have adjusted the wording of the conditions to improve precision and enforceability.
19. In addition to conditions relating to the statutory timescale and a list of approved plans for the purposes of clarity, a condition requiring the materials to match those of the existing dwelling at No 77 is necessary to protect the character and appearance of the area. A condition relating to boundary treatments is also necessary to protect the character and appearance of the area and the outlook of future occupiers.
20. A condition securing the provision of parking is necessary in the interest of highway safety. However, the installation of electric vehicle charging points is covered by the Building Regulations and so a condition in that respect is not necessary. Cycle and refuse storage arrangements are shown on the submitted plans and can be secured through a compliance condition in the interests of protecting the character and appearance of the area, the living conditions of the occupiers, highway safety and to promote sustainable transport.
21. The Council suggested that some permitted development rights should be removed through condition to ensure a satisfactory standard of external appearance, private amenity space and parking provision. However, the PPG advises that the removal of freedoms to carry out small scale domestic alterations that would otherwise not require an application for planning permission are unlikely to meet the tests of reasonableness and necessity. In this case, given the residential context for the development, the details submitted to date and the additional details secured by condition, I do not find it would be reasonable or necessary to impose such a condition.

Conclusion

22. For the reasons given above I find that the development would comply with the development plan when read as a whole, and there are no material considerations that carry sufficient weight to indicate a decision otherwise than in accordance with it. Accordingly, I conclude that the appeal is allowed.

K Jones

INSPECTOR

Schedule of 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:
Location Plan (PL05)
Proposed Ground Floor Site Plan (PL06)
Proposed First Floor (PL07)
Proposed Elevations (PL08)
Proposed Site Plan (PL09)
- 3) The materials used externally in the development hereby permitted shall match those of the existing dwelling at 77 Long Beach Road in colour and texture.
- 4) No development above slab level shall commence until details of all boundary treatments have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details prior to the first occupation of the dwelling hereby permitted, and shall thereafter be retained.
- 5) The dwelling hereby permitted shall not be occupied until the car parking arrangements have been laid out and constructed in accordance with the approved plans. The parking provision shall thereafter be retained for use by vehicles at all times.
- 6) The dwelling hereby permitted shall not be occupied until the cycle storage and bin store have been installed in accordance with the approved plans. The cycle storage and bin store shall thereafter be maintained for their intended use.