

Appeal Decision

Site visit made on 18 January 2024

by G Powys Jones MSc FRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 20.02.2024

Appeal Ref: APP/C1625/W/23/3321622

4 Midland Road, Stonehouse, Gloucestershire, GL10 2DF

- 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 Ms Helen Bridge Joshua against the decision of Stroud District Council.
- The application, Ref S.22/1061/FUL, dated 22 April 2022, was refused by notice dated 7 November 2022.
- The development proposed is the construction of a dwelling.

Decision

1. The appeal is allowed and planning permission is granted for the construction of a dwelling on land adjacent to 4 Midland Road, Stonehouse, Gloucestershire, GL10 2DF in accordance with the terms of the application Ref S.22/1061/FUL, dated 22 April 2022, subject to the conditions set out in the attached Schedule.

Main issue

2. The main issue is the effect of the proposal on the character and appearance of the host property and surrounding area.

Reasons

3. The appeal property is a semi-detached dwelling with a single storey extension to one side. The appellant proposes the extension's demolition and its replacement with a dwelling, thus creating a small terrace of 3 dwellings. The site stands at the main entrance to which was formerly a local authority residential estate, which was built to a formal layout. Most of the dwellings in the estate are comprised of two storey semi-detached or terraced dwellings with white painted rendering being the dominant external material used. More modern development departing from the overall pattern of the original scheme is dotted throughout the estate.
4. The Council takes the view that, for the reasons set out in its officer report, the proposed dwelling *'..is not consistent with the character and scale of the original house and its original neighbours'*. I note the use of the term 'original' and the implication that the Council now somehow regrets some of the changes that have taken place throughout the estate.
5. The applicant has pointed to the many changes that have taken place, including some in close proximity to the site. To exemplify, an infill detached dwelling has been built just along from the appeal site next to No 8, and another diagonally opposite, alongside No 5 Midland Road. The Council does

not dispute that these were built with the benefit of planning permission, but the tone of the Council's submissions suggest that the Council now possibly regard those decisions as erroneous.

6. To my mind, these two new dwellings, in particular, are not so objectionable as the Council appears to suggest, and they fit in seamlessly into the evolving visual environment. The proposal would do likewise in my view. Although more modest in scale than its neighbours, the dwelling would be built in matching materials and with a consistent pattern of openings. Sufficient space would remain between the new property and No 6 to the south, so that it wouldn't appear cramped in its context. A terrace would be formed, but that would not be an uncharacteristic feature within the estate. Whilst the proposed dwelling's rear elevation would project a little further into the garden than its immediate neighbours, this would have a very limited visual impact, and no material amenity implications for neighbouring residents. The rear garden area provided is considered adequate by the Council.
7. I therefore conclude that the development would sit acceptably and harmoniously in its spatial context without harming the character and appearance of the host property or its surroundings. Accordingly, I find that no conflict arises with those provisions of policies HC1 and ES12 of the Stroud District Local Plan (LP) directed to ensure that all development is of an acceptable design quality and appearance, respectful of the surroundings and local area.

Conditions

8. The Council has suggested the imposition of several conditions, upon which the appellant has not commented. Most of the conditions suggested by the Council are necessary and will be imposed, albeit some in a modified form.
9. In the interests of certainty, it is necessary that the development should be carried out in accordance with the approved plans. A condition in respect of materials shall be imposed in the interests of visual amenity, and a further condition in relation to bike storage is imposed in the interests of residential amenity and sustainable development.
10. To protect neighbouring amenity a condition in respect of construction activities is imposed.
11. The Council's suggested conditions to assist in protecting the Cotswold Beechwood Special Area of Conservation and to enhance biodiversity are imposed in the interest of promoting and protecting the natural environment
12. Having regard to site conditions and the proposed approved site layout, I find no need for visibility splays as suggested by the Council. However, a condition shall be imposed to ensure that driver visibilities are not impeded in future, in the interests of pedestrian safety.

Other matters

13. All other matters referred to in the representations have been considered and I note that no other party, including the Town Council objected to the scheme.
14. For the appeal the applicant submitted a revised, updated Unilateral Undertaking (UU), being an obligation executed under the provisions of section

106 of the *Town and Country Planning Act 1990 (as amended)* to address the Council's avoidance mitigation strategy having regard to the site's inclusion within the Severn Estuary Special Area of Conservation core catchment zone. I am content that it satisfies the relevant regulatory tests and that I can therefore take it into account.

15. Reference has been made to other development plan policies but those I have referred to are considered the most relevant in the particular circumstances of this case. References to the *National Planning Policy Framework* have also been taken into account.
16. No other matter raised is of such strength or significance as to outweigh the considerations that led me to my conclusions.

G Powys Jones

INSPECTOR

Schedule of Conditions

1. The development hereby permitted shall begin not later than three years from the date of this decision.
2. The development hereby permitted shall be carried out in accordance with the following approved plans: Ref. HB/MR/22/001; HB/MR/22/010 Rev A & HB/MR/22/004 Rev C.
3. The materials to be used in the construction of the external surfaces of the dwelling hereby permitted shall match those used in the adjoining dwelling, and the hardstanding area to the front of the dwelling shall be constructed in materials as previously agreed in writing with the local planning authority.
4. No construction site machinery or plant shall be operated, no process shall be carried out and no construction related deliveries shall be taken at the site except between the hours of 08:00hrs and 18:00hrs on Monday to Fridays, between 08:00hrs and 13:00hrs on Saturdays and not at any time on Sundays, Bank or Public Holidays.
5. Prior to the first occupation of the dwelling a Cotswolds Beechwood's Special Area of Conservation Mitigation Strategy shall be submitted to and approved in writing by the Local Planning Authority. The strategy shall include the following details:

A homeowner information pack (HIPs) that includes information on recreational opportunities in the local area and describes sensitivities of locally designated sites such as Cotswold Beechwood's Special Area of Conservation.
6. Within 3 months of the commencement of development, a specification (including methodology and programme of implementation) for the enhancement of biodiversity through the provision of bird boxes, shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved

specification and programme of implementation and shall be retained in perpetuity thereafter.

7. The dwelling hereby permitted shall not be occupied until sheltered, secure and accessible bicycle parking facilities have been provided in accordance with details which shall first be submitted to and approved in writing by the Local Planning Authority. The bicycle storage area shall be provided prior to the occupation of the dwelling and thereafter retained in perpetuity.
8. No structures, plants or trees which materially affect driver visibilities shall be erected or grown at the front of the site within 2m of the pedestrian footway.