



Appeal Decision

Site visit made on 12 February 2024

by B Phillips BSc MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 23rd February 2024

Appeal Ref: APP/C1625/W/23/3328358

27 High Street, Kings Stanley, Gloucestershire GL10 3JD

- 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 Webb against the decision of Stroud District Council.
 - The application Ref S.23/0683/FUL, dated 31 March 2023, was refused by notice dated 7 June 2023.
 - The development proposed is an amendment to S.22/1559/FUL to alter internal layout of 2 new build houses, and to alter 2 proposed new apartments into 2 new houses.
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Decision

1. The appeal is dismissed.

Main Issue

2. The main issue in this case is the effect of the proposal on the living conditions of the occupants of the Meadows, with respect to privacy.

Reasons

3. The new build element of the development would be sited in close proximity to the rear garden area of the adjacent neighbour, The Meadows, and given its orientation, its rear elevation would face the boundary with this property.
4. First floor bedroom windows are proposed in the rear elevation, and these would directly face, in close proximity, the rear garden of this neighbour. I observed that this part of the rear garden is well maintained and evidently well used. Given its location and distance to neighbouring dwellings, it also is currently provided with a reasonable feeling of privacy.
5. Bedrooms are habitable rooms and as such, any potential overlooking from these rooms must be given appropriate consideration. Whilst there is some screening provided by the boundary foliage, there is no guarantee that this would remain, and in any case, direct views would still be possible of the garden area. Given the proximity and height of these windows, the users of the garden space would experience a high level of overlooking which would result in a loss of privacy and consequent harm to the living conditions of the users of this garden.
6. The approved development¹ had bathroom windows on the first floor rear elevation of the new build units, and as non habitable rooms, these windows could be conditioned as obscure glazed, in order to prevent direct overlooking of the garden of the Meadows. As the only windows serving bedrooms, this is

¹ Application reference S.22/1559/FUL

not appropriate for the scheme before me in order to provide sufficient outlook and light. As such, the impact of both schemes is not comparable in this respect.

7. Compared to this previous scheme, the layout before me would remove habitable room windows from the first floor frontage. However, given the oblique or angled nature of overlooking towards the gardens of neighbouring properties to the rear of the site, and the distance to the units opposite, the benefit from the removal of the possibility of overlooking from these windows is limited. It is noteworthy that the Council found the previous scheme acceptable in this regard. As such, the proposed amended layout at the front of the units does not mitigate for, or justify the harm identified in respect to the overlooking from the rear.
8. I conclude that the proposal would have a detrimental effect on the living conditions of the occupants of the Meadows, with regards to privacy. The development therefore conflicts with the protection of amenity goals of Policies ES3 and CP14 of the Stroud District Local Plan (2015).

Other Matters

9. The appeal site is within 15.4km of the Cotswold Beechwoods Special Area of Conservation, within the 7.7km mitigation zone of the Severn Estuary Special Area of Conservation, and within 3.9 km of the core catchment zone of the Rodborough Common Special Area of Conservation. Little information is provided regarding the reasons for the designation of these areas, or their conservation objectives. Nevertheless, I note that in accordance with LP Policy ES6, appropriate mitigation would need to be secured for such development, to maintain the ecological integrity of the sites.
10. The appellant has indicated willingness to make a financial contribution toward what is considered to be appropriate mitigation, however, no formal legal agreement or mechanism has been submitted. However, as I am dismissing the appeal for other reasons, I am not pursuing this matter further because it could not lead me to a different decision.
11. The proposal would result in 4 additional units of accommodation which would contribute to the Government's broader objective of significantly boosting the supply of homes, in a location with good access to services and facilities, as supported by Framework.
12. The proposal would result in a short-term economic benefits arising from the construction process. Economic and social benefits are also likely to arise from the occupation of the new dwellings. However, given the quantum of development in this case, and the previously approved scheme, I give this matter limited weight in favour of the scheme.

Conclusion

13. The identified harm means the proposal would not accord with the development plan policies when read as a whole. The benefits and other considerations are of insufficient weight to justify granting planning permission contrary to the development plan. As such, I conclude the appeal is dismissed.

B Phillips INSPECTOR