



Appeal Decision

Site visit made on 6 December 2023

by E Pickernell BSc MSC MRTPI

an Inspector appointed by the Secretary of State

Decision date: 11th March 2024

Appeal Ref: APP/P1615/W/23/3321199

3 Ross Road, Newent, Gloucestershire GL18 1BD

- 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 David Gregory and Ms Victoria Martin against the decision of Forest of Dean District Council.
 - The application Ref P1556/22/FUL, dated 8 November 2022, was refused by notice dated 25 January 2023.
 - The development proposed is an eco-flat with covered parking area below.
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Decision

1. The appeal is dismissed.

Application for Costs

2. An application for costs was made by Mr David Gregory and Ms Victoria Martin against the decision of Forest of Dean District Council. This is the subject of a separate decision.

Preliminary Matters

3. Since the determination of the application the Government published a revised National Planning Policy Framework (the Framework) on 19 December 2023 which was updated on 20 December 2023. I sought further submissions on the revised Framework, which I have taken into account in coming to my decision. Where I have referred to the provisions of the Framework below, I have done so with numbering from the revised version.
4. Several of the plans originally submitted to the Council indicated a detached house to the north of the appeal building. This did not form part of the appeal proposals and as such is not before me.

Main Issues

5. The main issues are:
 - the effect of the proposed development on the character and appearance of the existing property and the area;
 - the effect of the proposal on the living conditions of the occupiers of 3 Ross Road (No.3) with regard to noise, disturbance and privacy;
 - whether the proposal would provide acceptable living conditions for future occupiers of the proposed flat with regard to privacy;

- whether the proposal would have an acceptable effect on highway safety; and
- whether the proposal would have an acceptable effect on flood risk with specific reference to surface water drainage.

Reasons

Character and appearance

6. The appeal site comprises a semi-detached dwelling (No.3) and outbuildings, on the north side of Ross Road (the B4221), within the development boundary of Newent. To the side of the parent dwelling is a single storey linear outbuilding which runs along much of the eastern boundary of the site. Both buildings are primarily constructed of red brick. The outbuilding is separated from the main dwelling by an area of hardstanding which is accessed from Ross Road and leads to a gated access to the rear garden area.
7. The site is located in an area of mixed use and is near to a number of commercial and community buildings including a public house adjacent to the outbuilding. To the south of the site is residential development which is separated from Ross Road by a belt of landscaping. Nearby buildings vary in form, design and materials which gives a mixed character and appearance, although much of the development which fronts Ross Road in the vicinity of the site comprises two storey development with brick elevations including No.3, which provides a degree of consistency.
8. The proposal involves the replacement of the existing single storey outbuilding with a new building which would provide a one-bedroom flat on the first floor with parking for the flat and existing dwelling below.
9. A building in this location is an established feature in the street scene and as such a replacement in a similar location adjacent to the south and eastern boundaries of the site would not be an incongruous addition to the area. Although the proposal would differ somewhat in its appearance compared with the existing building, it would have a similar gabled form and the modest additional height and width would not result in a substantial change in the overall appearance of the site.
10. The juxtaposition of No.3 and the proposed building would be different to the existing arrangement due to the increase in height and width. However, a generous gap would be retained between the buildings meaning that there would be sufficient separation to ensure that the proposal would not result in an awkward relationship between the two buildings. Furthermore, the overall footprint of the building would be reduced, and consequently the proposal would not result in the overdevelopment of the site.
11. For these reasons the proposal would not have a harmful effect on the character and appearance of the existing property and the area. It therefore accords with Policy CSP.1 of the Core Strategy (Adopted February 2012) (CS), Policies AP.1 and AP.4 of the Allocations Plan 2006 – 2026 (Adopted June 2018) (AP), the Forest of Dean Residential Design Guide (RDG) and paragraph 135 of the Framework. Amongst other things, these policies seek a good standard of design, taking into account the existing environment and character and making a positive contribution to the design quality of the area.

Living conditions of neighbouring occupiers

12. The proposed building would have roof lights on the west facing roof slope which would serve the open plan living/kitchen/dining room of the flat. Despite the isometric nature of the drawings, I find that the drawings are adequate to carry out an assessment of the relationship between the proposed rooflights and the parent dwelling.
13. The roof lights would be within a fairly substantial roof slope and they could therefore be controlled by condition to be located at least 2m above finished floor level. Subject to such a condition I am satisfied that views from the roof lights would be restricted and as such they would not result in a loss of privacy for the occupants of No.3.
14. To access the site by car and to park, future occupiers would use the access and turning area which is adjacent to the ground floor windows on the side elevation of No.3 which serve a hallway and a dining room. Although No. 3 is already subjected to a degree of traffic noise from the road, the proposal would result in the manoeuvring activity of a separate household occurring in much closer proximity to these ground floor windows. This would result in a material increase in noise and disturbance to occupiers of No.3 which would be harmful to their living conditions.
15. Furthermore, future occupiers using this area would have views into these windows which would result in a loss of privacy to the rooms which these windows serve. This would be over and above, and in much closer proximity to, any overlooking which may occur at an oblique angle from passers-by using the pavement.
16. I have given careful consideration as to whether I could impose any conditions which might mitigate the harm identified. However, the complete or partial obscuration of the ground floor windows, whilst ensuring the privacy of existing or future occupiers of No.3, would result in unacceptable living conditions through a loss of outlook from a habitable room. For these reasons such a condition would not be reasonable. Furthermore, such measures would not mitigate the noise and disturbance of vehicular movements adjacent to these windows.
17. For these reasons the proposal would result in harm to the living conditions of the occupiers of No.3 with regard to noise, disturbance and privacy. It is therefore contrary to Policy CSP.1 of the CS, AP1 and AP4 of the AP, the RDG and paragraph 135 of the Framework. Amongst other things these seek to ensure that development provides a high standard of amenity for existing users.

Living conditions of future occupiers

18. Based on the evidence before me, the first and second floor side facing windows at No.3 serve a landing and loft respectively. Whilst a degree of overlooking towards the proposed flat may occur from these windows, they do not serve habitable rooms and given the height of the rooflights within the rooms of the proposed flat, I am satisfied that the future occupants of the flat would be provided with an acceptable degree of privacy.
19. For these reasons, the proposal would provide acceptable living conditions for future occupiers of the proposed flat with regard to privacy. It therefore

accords with Policy CSP.1 of the CS, AP1 and AP4 of the AP, the RDG and paragraph 135 of the Framework. Amongst other things these seek to ensure that development provides a high standard of amenity for future users.

Highway safety

20. Parking spaces for the host dwelling and the proposed flat would be provided on the ground floor of the proposed building with manoeuvring space adjacent. The Highway Authority (HA) has stated that there would not be an unacceptable impact on highway safety. I acknowledge that the HA did not specifically address manoeuvrability. In addition, the building is angled into the site meaning that the turning area varies in width. However, the submitted vehicle tracking drawings demonstrate that it would be possible to turn within the site and I have been provided with no substantive evidence that these drawings are incorrect. Based on my observations I am satisfied that the proposal provides sufficient space for vehicles to safely park, turn and exit the site in a forward gear.
21. For these reasons the proposal would not result in an unacceptable effect on highway safety. It therefore accords with Policy CSP.1 of the CS, AP1 and AP4 of the AP which collectively require that developments produce safe accessible environments and have adequate infrastructure. It also accords with paragraphs 114 and 115 of the Framework which seek to ensure that safe and suitable access can be achieved and that unacceptable impacts on highway safety are avoided. Policy CSP.2 of the CS is mentioned in the reason for refusal but does not relate to highway safety and is not therefore relevant to this main issue.

Flood risk

22. The appeal scheme includes an underground rain and storm water storage tank. It has not been demonstrated that this would sufficiently control the discharge rate of surface water in a 1 in 100 (+40%) flood event, as is required by Policy CSP.2 of the CS. However, there is no reason to believe that the attenuation scheme could not be adjusted to meet these requirements. Severn Trent Water has confirmed that the detail could be successfully controlled by condition. I am therefore satisfied that, subject to such a condition, the proposal would provide adequate surface water drainage.
23. Consequently, the proposal would have an acceptable effect on flood risk with specific reference to surface water drainage. It therefore accords with Policies CSP.1 and CSP.2 of the CS, AP1 of the AP and paragraph 173 of the Framework which collectively seek to ensure that flood risk is taken into account and not unacceptably increased elsewhere.

Other Matters

24. I acknowledge that Newent Town Council are supportive of the proposal, and I also note that the appeal site is within an area which is allocated for future development. Furthermore, I acknowledge that there are benefits to the proposal including the provision of an energy efficient dwelling. However, these matters do not outweigh the harmful effect upon the living conditions of occupiers of No.3 which would arise were the development to be allowed.

Conclusion

25. I conclude that the proposal conflicts with the development plan as a whole and there are no material considerations, including the Framework, that would indicate that a decision should be made otherwise than in accordance with it. Therefore, the appeal is dismissed.

E Pickernell

INSPECTOR