



Appeal Decision

Site visit made on 25 April 2024

by G Roberts BA (Hons) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 9th May 2024

Appeal Ref: APP/C1625/D/24/3340024

Underhill House, 4 Hill Road, Dursley, Gloucestershire, GL11 4JQ

- 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 Jonathon Heath against the decision of Stroud District Council.
 - The application Ref. S.23/2301/HHOLD, dated 5 December 2023, was refused by notice dated 15 February 2024.
 - The development proposed is double storey extension.
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Decision

1. The appeal is allowed and planning permission is granted for double storey extension at Underhill House, 4 Hill Road, Dursley, Gloucestershire, GL11 4JQ in accordance with the terms of the application, Ref. S.23/2301/HHOLD, dated 5 December 2023 and the plans submitted with it and subject to the conditions listed below.
 - 1) The development hereby permitted shall begin before the expiration of three years from the date of this permission.
 - 2) The materials to be used in the construction of the external surfaces of the development hereby permitted shall match those used in the existing building or otherwise be in accordance with those shown on the approved plans.
 - 3) The development hereby permitted shall be carried out in accordance with the following approved plans: Location Plan (received 28.11.2023); Block Plan (received 28.11.2023); drawing No.HR-0002-04 Rev.B; drawing No.HR-0004-04 Rev.B.
 - 4) The development hereby permitted shall be carried out in full accordance with the submitted Arboricultural Report dated 14/11/2023 including the tree protection measures shown on the 'Tree Protection Plan' drawing No. 160622-SK100.

Preliminary Matters

2. I have adopted the description of development as on the Application Form.
3. The Appellants Grounds of Appeal (GOA) raise a number of concerns in relation to the inability to engage with the Council at the pre-application stage or during the determination of the application. These are not matters that I can comment on within the context of an appeal that has been submitted under

section 78 of the Town and Country Planning Act 1990. If the Appellant wishes to pursue these concerns further, the only suggestion I can make is that they take these up directly with the Council through the normal complaints process.

Main Issues

4. The main issues are the effect of the proposed development on: (a) the character and appearance of the host property and its wider setting, and (b) the character and appearance of the host property and its wider setting with regard to its impact on various heritage assets.

Reasons

Character and appearance

5. The Council's first reason for refusal refers to policy HC8 (2) of the Stroud District Local Plan (November 2015) (SDLP). I have assumed that this is reference to criterion 2 of that policy which requires the design of extensions to be in keeping with the scale and character of the original dwelling (taking into account cumulative additions) and the sites wider setting and location. The Council have also referred to policy CP14 (5), which again I have assumed is reference to criterion 5 of that policy, seeking to secure an appropriate design and appearance for new development that is respectful of its surrounds, including local topography, the built environment and heritage. The Council allege that the proposal conflicts with both criteria. However, the Council do not appear to allege any conflict with the remaining criteria to both policies, which is a finding that I concur with. Also, no reference has been made to any relevant supplementary design guidance.
6. The policies of the SDLP predate those in the National Planning Policy Framework (December 2023) (Framework). Whilst paragraph 135 of the latter also refers to development being sympathetic to local character, it states that this should not prevent or discourage appropriate innovation or change. This approach is reinforced in the National Design Guide (NDG) (January 2021), which also postdates the SDLP, with, for example, paragraph 44 emphasising that well designed places do not need to copy their surroundings and that it is appropriate for new development to include innovation and change to reflect how we live today.
7. The appeal proposal involves a two storey rear extension and a single storey rear extension, with the latter largely replacing an existing cedar clad lean-to extension. The Council's objection relates to the two storey extension which it contends would be detrimental to the original character of the host property and that its scale and form would be out of keeping with the host and the sites wider setting. For the reasons set out below, I do not agree.
8. I note that the appeal proposal follows on from a previous application for a full width two storey extension that was refused by the Council in May 2023. In response, the proposed width of the two storey element has been reduced, with the replacement single storey extension taking up over half of the width of the rear elevation to the host property. Whilst neither the reason for refusal nor the Council's Delegated Report (CDR) are clear, the proposed single storey extension would only be marginally larger than the existing extension and would be hidden and screened from public views. As such, this element of the

proposal, constructed from a similar pallet of materials to existing, is, in my view, entirely acceptable.

9. Turning to the proposed two storey extension, I understand that its design was amended during the determination of the application in response to the Council's Conservation Officers preference for it to include a gable ended roof rather than a hip end. The Conservation Officer's consultation response stated that a hipped roof did not conform to the traditional gable form found in the vicinity. There is nothing before me to indicate whether the Conservation Officer was reconsulted on the revised design. Even so, whilst I accept that the new two storey extension results in a material change to the rear of the host I am satisfied that the increase in scale and form would not be significant or harmful to the host property or to its wider setting.
10. The proposed two storey extension has been designed to integrate with the design of the host, whilst not competing with it. The ridge of the proposed gabled roof would be set well below the ridge to the main roof of the host and the proposed eaves would also be set well below the existing eaves of the main roof. The proposed two storey extension would also be set well back from the existing side elevation to the host that faces towards the Bus Station and May Lane. As such, the proposed extension would be both subservient and proportional to the host. A pallet of materials to match existing, including a smooth render finish to match that on the front elevation to the host would further ensure that the new extension appears as a sympathetic addition. For all the above reasons, the proposal would comply with criterion 2 of policy HC8 and criterion 5 of policy CP14.
11. The Council contend that the proposed two storey extension would be very wide, being some 1.2 metres wider than the side elevation of the host and thus out of proportion. Whilst I accept that the proposed gable end of the extension would be wider than the existing side elevation to the host, I fail to see what harm would arise from this. The proposed gable end would face towards the rear of the garden and the existing large Cedar tree and would not form part of the same view as that of the host's existing side elevation. Whilst the side of the proposed extension could be viewed in conjunction with the hosts side elevation, the former would be set well back and the extent of its projection from the main rear wall would be less than the width of the host's side elevation.
12. I am also satisfied that public views of the proposed two storey extension would be limited. As I observed on site, the proposed extension would be visible from the Bus Depot and May Lane. Even so, those views are not natural or important views in that in order to see the new extension you would have to look up and across a large expanse of tarmac and car parking. In addition, any glimpsed view would be of the side elevation to the proposed extension, set well back into the site with a roof to match existing and smooth rendered walls that would not compete with the original stone elevations to the host. For these reasons, the proposed extension would not be out of keeping or harmful to its wider setting. Indeed, the high quality of the proposed design would be viewed, from May Lane, in the context of the Motor Garage building which towers above the host property in the background, and in the foreground the large expanse of tarmac/car parking, large contemporary Library building and brightly coloured side elevation to the modern houses in Legion Close.

13. Overall, I am satisfied that the impact of the proposed extension on the host property and wider setting would not be harmful and that the proposal would sit comfortably on the appeal site. Accordingly, I find that the appeal proposal would not result in any harm to the character and appearance of the host property or to its wider setting. It would thus be compliant with all the criteria to policies HC8 and CP14 of the SDLP, as well as the corresponding policies of the Framework and NDG.

Heritage assets

14. Part of the appeal site lies within the Dursley Conservation Area (DCA). Section 72(1) of the Planning (Listed Buildings and Conservation Area) Act 1990 requires, therefore, that special attention be paid to the desirability of preserving or enhancing the character or appearance of that area. Similar advice is to be found in the Framework.
15. I have been provided with an extract from the plan for the DCA which shows that the appeal site lies on the edge of the area and that the boundary runs through the rear part of the host property. It would appear that the lean-to extension is outside the DCA, as is the whole of the rear garden. I have not been provided with any appraisal or management plan for the DCA, and its unclear as to whether one exists. There is no reference to an appraisal in the CDR and there is no assessment of the special interest of the DCA other than that contained in the Appellants Heritage Statement. I have, therefore, based my assessment on the evidence available and my observations on site.
16. As well as the front part of the appeal site, the adjoining Motor Garage and Public House are all within the DCA, which then extends to the east to include 21 May Lane (Hollis House) a Grade II Listed Building. The boundary of the DCA runs along the frontage of these properties all of which have a historic interest and contribute to the special interest of the DCA. As the appeal proposal is at the rear of the host it would not have any effect on the setting or intrinsic value of this part of the DCA.
17. The DCA extends to the east and north east of the appeal site along May Lane and then Library Terrace. Whilst the properties on the eastern side of May Lane are more traditional, on the western side and immediately north of the Public House, the area is dominated by the large expanse of tarmac/parking for the Public House and Bus Depot. To the north of this is the modern Library and to the north west the bright gable end to the terrace of new houses in Legion Close. As I confirmed earlier, in between all of this are views of the appeal site which sits at a much higher level. Those views are largely of its stone gable end, with the large corrugated roof to the Motor Garage also highly visible to the rear as are the modern houses in Harding's Drive (to the west and north of the appeal site).
18. I acknowledged earlier that there would be views of the proposed extension from, in particular, May Lane, but even as you walk in either direction on May Lane those views would be limited and are currently dominated by the presence of, in the foreground, the Bus Depot, Library and Legion Close, which combined do not, in my view, offer a view or vista of the greatest quality or value. In the backdrop, of the view from May Lane, are existing trees, the Motor Garage and housing in Harding's Drive. The proposed extension would, therefore, not be visually prominent in these views and its appearance would not appear out of keeping when seen within its wider context. Moreover, these

views would be of a modest extension, that would be well set back into the appeal site with a pallet of materials to match existing. For the above reasons, I am satisfied that the proposal would not result in any harm to the DCA.

19. The Council also indicate that the host property is a non-designated heritage asset (NDHA) and is included on the Dursley Local Heritage Asset List. I have not been provided with a copy of that list and I have also not been given any description of the designation. Even so, the frontage to the host property and its attractive walled garden would not be affected by the proposal. Although some of the stonework on the rear elevation would be lost, this loss would be modest and in any case the rear elevation is hidden from public view. The majority of the original or characteristic features of the host property would be retained and the scale and form of the new extensions would not be out of keeping with the host property or its wider setting.
20. Paragraph 209 of the Framework states that when considering the effect of an application on the significance of a non-designated heritage asset, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset. As I have found, the proposal would result in a sympathetic and proportional addition to the host property that would not have any harmful impact on the character or appearance of the host property or the wider area.
21. Accordingly, I find that the proposed single and two storey rear extensions are acceptable and that they would preserve the character and appearance of the host property and the DCA, as a whole, in that they would leave it unharmed. The proposed extensions would also represent sympathetic, appropriate and high quality additions to the NDHA. As such, there is no need to undertake the assessment set out in paragraphs 206 - 208 of the Framework.

Other Matters

22. The CDR and Questionnaire indicate that the appeal site lies within the setting of a Grade II Listed Building, 21 May Lane (No.21). Section 66 of the Planning (Listed Buildings and Conservation Area) Act 1990 requires, therefore, that special regard must be had to the desirability of preserving that buildings setting. Similar advice is again to be found in the Framework. No.21 is located to the south east of the appeal site on the corner of Hill Road with May Lane. Whilst No.21 is visible from the front garden to the host property, there are no views from the rear of the host property. As such, the proposed extensions have no visual, physical or functional relationship with No.21 and would thus not have any harm on its setting.

Conditions

23. I have considered the Council's suggested conditions against the advice in the Framework and the Planning Practice Guidance chapter on the use of planning conditions. A condition requiring compliance with the submitted plans is necessary and reasonable to secure a high-quality development and to reflect the details included in the application.
24. The suggested condition requiring the submission and approval of tree protection measures is, however, unnecessary as these details are shown within the submitted Arboricultural Report, which includes a Tree Protection Plan. The CDR confirms that this report was found to be acceptable by the

Council's Tree Officer. I have therefore replaced the suggested wording with a condition that requires the development to be carried out in full accordance with the Arboricultural Report, so as to safeguard the health of retained trees.

25. Whilst the Council have not suggested a materials condition, I consider that such a condition is required. I have therefore added the standard wording that requires the materials to match those on the existing building or otherwise be as shown on the approved plans. The notes on the approved plans indicate that all materials are to match existing and I have assumed that this relates to the new stonework, smooth render and roof tiles.

Conclusion

26. For the reasons given above and having taken all the matters raised into account I conclude that the appeal should be allowed.

G Roberts

INSPECTOR