



Appeal Decision

Site visit made on 7 May 2024

by **O Marigold BSc DipTP MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 20 May 2024

Appeal Ref: APP/P1615/W/23/3335722

The Flat, The Haven, Hart Lane, Ruardean, GL17 9UT

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission.
 - The appeal is made by Mr Craig Moore against the decision of Forest of Dean District Council.
 - The application Ref is P1616/22/FUL.
 - The development proposed is conversion of first floor flat and ground floor garage to dwellinghouse with associated internal and external alterations including amendments to fenestration (part-retrospective)
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. I have used the description of the proposal as set out in the Council's Decision Notice, which is more accurate and concise than that used in the application form. The appellant has used the revised description in the appeal form and so I am satisfied that no party would be prejudiced by my using this description. The appeal was initially made in the name of a person other than the applicant. However, this has been confirmed as a mistake and I am satisfied that the appellant is able to make the appeal.

Background and Main Issue

3. The development has commenced. However, at the time of my visit, the works had not been completed. As such, I have treated the application as being for a proposal.
4. The main issue is whether the proposal would provide adequate living conditions for its occupiers, with regard to outdoor space.

Reasons

5. The site consists of a building containing a garage and first floor flat above. The proposal seeks to expand the residential accommodation within the building, including converting the garage into a kitchen and sitting room. At first floor, the previous glass porch and frontage amenity area would be replaced by internal accommodation and a balcony.
6. The proposal is shown as being for a one-bed unit. However, there is no dispute that the proposed office would be large enough to provide a second bedroom. It is therefore possible that the number of occupiers would increase as a result of the proposal, to include for example a small family.

7. In any case, the proposal would result in reduced first-floor outdoor space, which would consist only of the balcony. Furthermore, it has a narrow depth, little greater than the doors opening onto it. The Forest of Dean Residential Design Guide (RDG), dated August 1998, requires 100 square metres of garden per family dwelling. I accept that this document is dated and only refers to an average. Nevertheless, the outdoor space proposed would fall substantially below that sought by the guidance.
8. Consequently, because of the small size of the balcony, its practical use would be very limited. It would therefore provide a poor standard of outdoor space for occupiers of the proposal. On my visit, I saw that an amenity area had been created within the yard to the rear of the building. However, this is not shown on the proposed plans and so does not form part of the proposal before me. In any case, this area provides an access to the dwellings either side, Trescillian House and The Haven, and so is unlikely to provide suitable alternative private amenity space.
9. I therefore conclude that the proposal would not provide adequate living conditions for its occupiers, with regard to outdoor space. As such, it would conflict with Policies AP.1 and AP.4 of the Allocations Plan, adopted June 2018, the RDG, and the National Design Guide, which require a satisfactory standard of amenity and high quality private external spaces. For similar reasons it would conflict with Paragraph 135(f) of the National Planning Policy Framework (the Framework) which seeks a high standard of amenity for future users. I therefore give this conflict significant weight. However, I find no conflict with Policy CSP.1 of the Core Strategy, adopted February 2012, which relates to design matters unrelated to the main issue.

Other Considerations

10. The appellant speculates that both floors of the building have historically been in residential use. Furthermore, on the basis that the building constitutes a single planning unit, a fallback position is argued whereby the garage could be used as residential accommodation, with internal works, without the need for further planning permission. Even so, the proposal also includes external works such as the reduction in outdoor amenity space that do not form part of the fallback. As such, it does not justify the harmful effects of the proposal.
11. The site lies within the Ruardean Conservation Area (CA). Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires that I pay special attention to the desirability of preserving or enhancing the character or appearance of the CA. To the front, the proposal would include replacement of the pebble-dashed finish and garage door with render and joinery. Depending on its detail, this could provide a modest enhancement to the character and appearance of the CA. Accordingly, having regard to the statutory duty, I give this positive, albeit limited, weight.
12. The proposal would result in the efficient use of land, in a location close to services and facilities. However, as it involves alterations to a single unit of accommodation, there would be little if any advantage in housing choice locally, and the other benefits would be modest. I therefore give them limited positive weight.

Other Matters

13. The proposal would potentially increase the demand for vehicle parking. My weekday morning visit represents a snapshot in time, but I found parking spaces were available in the local area. The site is within a settlement identified as having some services and facilities, and so not all occupiers would necessarily have a car. Neither the Highway Authority nor the Council have objected to the proposal because of parking, and I see little reason to disagree.
14. Views from the proposal into the kitchen rooflight at Trescillian House may well be obtainable. However, it would replace the glass porch and amenity area likely to have had similar if not identical views. A degree of mutual overlooking, and noise and cooking odours from residential uses, is to be expected within densely built-up areas. Consequently, I consider that the proposal would not unduly harm the living conditions of nearby properties including Trescillian House. These matters are therefore neutral in the planning balance.

Planning Balance and Conclusion

15. There is no dispute that the Council cannot currently demonstrate an adequate supply of housing land. However, the proposal would not increase the number of dwellings and so would not add to the supply of housing. As such, the tilted balance of Paragraph 11(d) of the Framework is not engaged. Even if it were engaged, for the reasons given above the adverse impacts of the proposal would significantly and demonstrably outweigh its benefits.
16. I have found conflict with the Development Plan, for the reasons given. The material considerations in this case, including the Framework, do not indicate a decision other than in accordance with the Development Plan. This leads me to conclude that the appeal should be dismissed.

O Marigold

INSPECTOR