



Appeal Decision

Site visit made on 11 June 2024

by E Worley BA (Hons) Dip EP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 19 June 2024

Appeal Ref: APP/C1625/W/23/3326556

Cider Stones, New Street, Kings Stanley, Gloucestershire GL10 3JU

- 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 Y Guo against the decision of Stroud District Council.
 - The application Ref is S.23/0890/FUL.
 - The development proposed is described as 'Creation of 1 x3 bed dwelling to the side plus double garage to rear'.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are the effect of the proposed development on:
 - protected species;
 - the character and appearance of the area; and
 - highway safety.

Reasons

Protected species

3. The site is located within the amber Impact Risk Zone for Great Crested Newts (GCNs) and according to the Council's records, contains habitats suitable for protected species. Paragraph 99 of Circular 06/2005¹ (the circular) states that the presence of a protected species is a material consideration when a proposed development would be likely to result in harm to the species or its habitat. A Preliminary Ecological Appraisal was not submitted with the planning application or the appeal.
4. Given the lack of evidence to establish the effect of the proposed development, to demonstrate that it would not be harmful to any protected species or that any such harm could be appropriately mitigated, there is nothing before me to enable me to assess the extent of the impact on protected species. I have considered the appellant's suggestion that further information in that regard could be secured by a planning condition. However, the circular makes clear that, to ensure that their presence is fully considered, it is essential that the presence or otherwise of a protected species, and the effect of a proposal on

¹ Circular 06/2005: Biodiversity and geological conservation - statutory obligations and their impact within the planning system

them, is established before planning permission is granted. It is therefore not appropriate for the matter to be dealt with by condition.

5. In light of the above, I find that there is insufficient information to conclude that the proposal would not have a harmful impact on protected species, including GCNs. In that regard the proposal would fail to accord with Policy ES6 of the Stroud District Local Plan, adopted 2015 (SDLP) which requires new development to conserve and enhance the natural environment, including all legally protected or priority habitats and species.

Character and appearance

6. The appeal site, which is currently overgrown, comprises the side garden of Cider Stones, a semi-detached 2 storey dwelling within the main built-up area of Kings Stanley. It is currently used, in part, for the parking of vehicles. The properties in New Street include detached and semi-detached dwellings that vary in style and appearance. The dwellings along the side of the road on which the appeal site is located, vary in width. They are positioned relatively close to each other, set back a short distance from the road. This arrangement, together with the narrow width of the highway, contributes to the compact appearance of the built form.
7. The ridge and eaves height of the proposed dwelling would reflect that of the host property. While the 2 storey element of the proposed dwelling would be greater in depth than the 2 storey side gable at Cider Stones, the flank elevation of the new dwelling would not be readily apparent in views of the development along New Street given its close relationship with the buildings on either side of the site. Moreover, despite the modest width of the dwelling, which would be narrower than some of the properties nearby, it would not be significantly at odds with the overall character of the area.
8. For these reasons, I conclude that the proposal would not harm the character and appearance of the area. Accordingly, it would not conflict with Policies HC1 and CP14 of the SDLP, which require new residential development to be of a scale, density, layout, and design that is compatible with the character, appearance and amenity of the part of the settlement in which it would be located and of an appropriate design and appearance, which is respectful of the surroundings.

Highway safety

9. At the time of my site visit 2 vehicles were parked on the front part of the site, to the side of Cider Stones. I also observed that there was an off-street parking space on an area of hardstanding immediately to the front of the main dwelling, between it and the footpath, like others along the street. The planning application form sets out that the existing dwelling has 3 bedrooms, as would the new dwelling. The Highway Authority indicates that a minimum of 2 off-street parking spaces, excluding garages, are required for a 3 bedroom dwelling, and that the local ward census data shows the occupiers of 3 bedroom dwellings have on average 1.8 vehicles.
10. The proposed site plan² shows 4 parking spaces to be provided on land to the rear of the existing and new dwellings, in addition to a shared detached garage. The 'new dwelling parking space 1' may present practical difficulties

² drawing number 80728-01 Rev A

due to the proposed parking layout. Nonetheless, given that the proposed dwelling, in addition to the existing dwelling, would trigger a requirement for 4 spaces, and that 3 of these could be provided side by side to the rear of the site and one to the front of Cider Stones, this provision would meet the required off-street parking requirement. Furthermore, there would be adequate space within the site behind the 3 parking bays to enable vehicles to manoeuvre in and out of the spaces. As such, there is nothing before me to suggest that the parking arrangements would be inadequate or lead to an increase in on-street parking that would compromise highway safety.

11. The existing boundary fence between the site and the takeaway next door, which is owned by the appellant, is set back from the edge of the footpath. The existing frontage to Cider Stones is devoid of boundary fences or walls, and a vehicle parked to the front of it would be positioned set back from the proposed access drive. This arrangement would allow visibility in both directions for drivers egressing the site to see oncoming vehicular traffic and pedestrians. In addition, New Street is narrow and residential in character, with private driveways onto it and vehicles parked on the carriageway, therefore traffic using it would be likely to be travelling at reduced speeds.
12. Taking these factors into account, I do not consider that the proposed development would significantly compromise highway or pedestrian safety. It would therefore accord with Policies CP13 and ES3 of the SDLP, which require new development to provide appropriate vehicular parking, and not to have a detrimental impact on highway safety, nor would it have an unacceptable impact on highway safety in the terms of the Framework.

Other Matters

13. There are several Grade II listed buildings located a short distance from the site, in High Street. These include The King's Head, The Cottage, Tudor Stores, Britannia Cottage and adjoining house to south, and Yew Tree Stores and Gleneva (previously listed as Post Office and 'The Yews'). Although the Council has raised no concerns regarding the impact of the proposed development on these designated heritage assets, I am required to have special regard to the desirability of preserving the setting of the listed buildings. With respect to the scale and nature of the development and to its position relative to these, I am satisfied that the setting and significance of the listed buildings would not be adversely affected.
14. The site lies within the catchment zones for the Severn Estuary, Rodborough Common and Cotswolds Beechwood Special Areas of Conservation (SACs). The Council indicate that a financial contribution to fund a project designed to avoid an increase in recreation impact or to mitigate the effects of increased recreational activity could avoid adverse effects on the integrity of the SACs. While I note the appellant's willingness to provide a unilateral undertaking to secure a contribution, this is not before me as part of the appeal. Nevertheless, given my decision on the appeal overall, there would be no pathways to adverse effects on the SAC.
15. Various other matters have been raised by an interested party, however, as I have found the development to be unacceptable for the reasons given, it is not necessary for me to reach a conclusion on these matters.

Conclusion

16. I have found that the proposed development would not give rise to harm to the character and appearance of the area or highway safety. However, it has not been demonstrated that the proposal would not have a harmful impact on protected species. It would therefore conflict with the development plan as a whole, and material considerations have not been shown to carry sufficient weight to indicate that a decision should be taken otherwise than in accordance with it.

17. The appeal is therefore dismissed.

E Worley

INSPECTOR