



Appeal Decision

Site visit made on 8 May 2024

by Tamsin Law BSc MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 20 June 2024

Appeal Ref: APP/C1625/W/23/3332987

72 High Street, Cam, Gloucestershire, GL11 5LH

- 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 Bolton against the decision of Stroud District Council.
 - The application Ref is S.23/1699/FUL.
 - The development proposed is described as "demolition of garage and erection of a detached dwelling and associated works. Revised application following withdrawal of S.23/1025/FUL."
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Decision

1. The appeal is allowed and planning permission is granted for the demolition of garage and erection of a detached dwelling and associated works at 72 High Street, Cam, Gloucestershire, GL11 5LH in accordance with the terms of the application, Ref S.23/1699/FUL, subject to the conditions in the attached schedule.

Preliminary Matters

2. In response to the Council's reason for refusal in relation to mitigation for the Severn Estuary Special Area of Conservation (SAC), Special Protection Area (SPA) and Ramsar, the appellant has submitted a Unilateral Undertaking (UU). The UU secures a financial contribution for environmental and ecological mitigation measures.

Main Issues

3. The main issues are the effect of the proposed development on the character and appearance of the area, the living conditions of neighbouring residents, with particular regards to outlook and natural light and on the Severn Estuary SAC/SPA and Ramsar.

Reasons

Character and Appearance

4. The area of High Street close to the appeal site is a predominantly residential area characterised by a variety of dwelling types and sizes, including two-storey and single storey dwellings. The properties vary considerably in their plot sizes, individual design characteristics, age, and form; however, there is a general consistency in the render and stone used to finish buildings. The road has a pleasant environment, with many properties bound to the front by hedgerows.

5. The appeal site lies to the side of No 72 High Street and comprises part of its garden, of which is all located to its side. It is accessed via a lane which passes between host dwelling and No 64 High Street. The appeal site currently comprises a detached garage, which, along with the side garden of No 72 and associated wall and hedgerow somewhat screens the appeal site from the wider area.
6. The proposal would introduce a detached two-storey dwelling, set back from High Street. Parking to No 72 would be maintained in front of the proposed dwelling and a new parking area would be created, in the approximate location of the existing garage to serve the proposed dwelling. These would both be accessed from the existing lane. A modest amenity space would be retained for No 72, to its side, and a garden would be provided for the proposed dwelling to its rear.
7. The modest scale, simple design and proposed construction materials of the proposed dwelling would allow it to assimilate well with its surroundings. Due to the enclosed location of the site and overall height of the dwelling, and its set back from the main highway, its contribution in the street scene would be particularly limited. It would be visible from the highway and surrounding pavements, but due to its siting adjacent to existing dwellings, it would not form a harmful or intrusive feature in such views and would not erode a visible open space.
8. The dwelling would be close to its boundary with the adjoining garden, but this would not appear irregular in the context of the surroundings which has terraced housing and a moderately high density to the north and opposite the appeal site. Additionally, its siting would be similar to that of No 82 and 84, being set back from the highway and adjoining rear gardens. As it is designed, the dwelling would capably fit into the site without appearing unduly cramped, although there would be limited scope for any future alterations or extensions.
9. Therefore, the proposed development would not harm the character and appearance of the area would therefore comply with Policy HC1 of the Stroud District Local Plan (2015) (LP) which requires, amongst other things, that developments are of a scale, density, layout and design that is compatible with the character and appearance of the area. It would also comply with paragraph 135 of the National Planning Policy Framework (the Framework) that seeks developments that are sympathetic to local character.

Living Conditions

10. The Council's concerns in this regard relate to a loss of sunlight and daylight, a loss of outlook and an increased sense of enclosure for the residents and a loss of privacy.
11. A Daylight Assessment and a BRE Assessment support the appellants submission. The BRE assessment confirms that it has been undertaken in line with BRE Report 209, Site Layout Planning for Daylight and Sunlight: A guide to good practice (2022). Through using a Vertical Sky Component, No Sky Line analysis and annual probable sunlight hours the submission details that much of the current daylight levels achieved by neighbouring properties would be retained, with only a minor reduction in daylight, and would be within the BRE targets for annual sunlight in summer and winter months. Furthermore, the assessment also noted that the adjoining garden would also retain most of its

sunlight. As such, sufficient daylight is retained in order to ensure the continued usability of the dwelling.

12. The proposed dwelling would be set back from the boundary with the garden to its north, albeit by a small amount, and would only extend a short stretch along the boundary. This, combined with the extent of garden to the north, would ensure that the proposal would not have an overbearing effect on the garden.
13. The proposed dwelling would face towards the garden of No 72. It would be separated by the parking areas for the existing and proposed dwellings and a hedgerow, to be planted. Two windows are located at the first floor, which provide light and ventilation to a bedroom and ensuite. Whilst these could offer opportunities to overlook the garden of No 72, due to the distance maintained and the inclusion of a hedgerow, this would reduce any harmful overlooking. The proposed hedgerow whilst not green all year, would provide a feeling of enclosure that would retain the privacy of the garden.
14. I find that the proposal would not have harmful effect on the living conditions of the occupiers of nearby dwellings. The proposal would therefore comply with LP Policies HC1, ES3 and CP14 which seek, among other things, to ensure that developments do not lead to an unacceptable level of loss of daylight or sunlight, loss of privacy or an overbearing effect. It would also comply with paragraph 135 of the Framework which seeks to ensure that developments have a high standard of amenity for existing and future users.

Severn Estuary SAC/SPA/Ramsar

15. The site is located within the Severn Estuary SAC/SPA/Ramsar 7.7km zone of influence. The location of new housing close to this could impact on the integrity of the site as a result of increased recreational disturbance in combination with other development in the Severn Estuary area.
16. The SAC is noted for a range of coastal habitats and fish species. The SPA is classified for its waterbird assemblage and for a range of species that occur on passage/over winter including a range of both wildfowl and wader species. The Ramsar interest overlaps with the SAC and SPA features and includes the bird interest.
16. The appeal proposal would result in a net increase of one dwelling with a consequent increase in local residents living within 7.7km of the SAC/SPA/Ramsar. This would be likely, in turn, to increase recreational pressure upon the SPA such as, but not limited to, dog walking and recreational walking, leading to increased disturbance of overwintering species and other species supported within the SAC/SPA/Ramsar. It is therefore likely that the proposal, taken both in isolation and cumulatively, would have a significant adverse effect on the integrity of the SAC/SPA/Ramsar and, as the competent authority, it is necessary for me to conduct an Appropriate Assessment in relation to the effect of the development on the integrity of the SAC/SPA/Ramsar.
17. The Council's Severn Estuary Avoidance Mitigation Strategy sets out the approach to avoiding or mitigating significant effects on the SAC/SPA/Ramsar by securing a financial contribution towards. The appellant has, since the Council's determination of the application, agreed

to a financial contribution in accordance with the mitigation strategy. Natural England has been consulted as part of this appropriate assessment and has agreed with my conclusion that the mitigation would appropriately mitigate the significant adverse effect caused to the SAC/SPA/Ramsar. The appellant has submitted a UU which would secure the payment. I am therefore satisfied that the proposal would not adversely affect the integrity of the SAC/SPA/Ramsar.

18. The proposal would therefore comply with LP Policy ES6 which seeks to ensure that developments safeguard and protect all sites of European and Global importance designated as SAC, SPA and Ramsar. It would also comply with paragraph 186 of the Framework which seeks to ensure that harm to biodiversity resulting from development can be avoided or adequately mitigated.

Conditions

17. A list of conditions was provided by the Council, which the appellant has commented on. Time limit and plans conditions are necessary in the interests of certainty. A condition relating to hours of construction is necessary in order to safeguard the living conditions of nearby residents. Conditions relating to access, parking and bicycle parking are necessary in order to ensure a safe access and to promote the use of alternative methods of travelling.
18. Whilst not included in the Council's list of conditions in their Officer Report a condition requiring the side window to be obscure glazed was suggested. In their submission the appellant has confirmed this to be acceptable. Additionally, I consider that the conditions relating to biodiversity, as noted in the Ecology Officer's comments, are necessary in order to ensure that the mitigation and enhancement are provided.
19. A condition requiring details/samples of materials is not necessary as this information is provided on the plans.

Conclusion

20. The appeal scheme would accord with the development plan and there are no material considerations worthy of sufficient weight that would indicate a decision otherwise. The appeal should therefore, subject to the conditions in the schedule below, be allowed.

Tamsin Law

INSPECTOR

Schedule of Conditions

- 1) The development hereby permitted shall take place not later than 3 years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plan: Location Plan Drawing No 073-DR-E-A4-001, Proposed Site Plan Drawing No A3-002 Revision E and Proposed Plans and Elevations A3-003 Revision E
- 3) Demolition or construction works, including the operating of machinery or plant, shall take place only between 08:00 and 18:00 on Mondays to Fridays, between 08:00 and 13:00 on Saturdays and not at any time on Sundays, Bank or Public Holidays.
- 4) The development hereby permitted shall not be occupied until the access, parking and turning facilities have been provided as shown on drawing A3-002 Revision E.
- 5) The development hereby permitted shall not be occupied until sheltered, secure and accessible bicycle parking has been provided with space for two adult bicycles and clear 1.5m width access from the highway allowing turning. The storage area shall be maintained for this purpose thereafter.
- 6) The building hereby permitted shall not be occupied until the window in the side elevation as shows on drawing A3-003 Revision E has been fitted with obscured glazing, and no part of that window that is less than 1.7 metres above the floor of the room in which it is installed shall be capable of being opened. Details of the type of obscured glazing shall be submitted to and approved in writing by the Local Planning Authority before the window is installed and once installed the obscured glazing shall be retained thereafter.
- 7) All works shall be carried out in full accordance with the recommendations contained in the Preliminary Bat Roost Assessment report (All Ecology, May 2023).
- 8) Within 3 months of commencement, a specification (including methodology and programme of implementation) for the enhancement of biodiversity through the provision of a bat tube, nest boxes for Swifts, House Martins and House Sparrow boxes and native species planting shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved specification and programme of implementation and be retained thereafter.