



Appeal Decision

Site visit made on 08 July 2024

by N Robinson BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 18 July 2024

Appeal Ref: APP/C1625/W/24/3336667

**The Beeches, Brimscombe Hill, Brimscombe, Stroud, Gloucestershire
GL5 2QR**

- 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 Adam John Coleman against the decision of Stroud District Council.
 - The application Ref is S.23/1233/FUL.
 - The development proposed is replacement of garage/workshop with new dwelling and re-siting of access.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The appeal site is located in the Cotswold National Landscape (NL), formerly the Cotswold Area of Outstanding Natural Beauty. However, there is no suggestion that the proposal would fail to conserve and enhance the landscape and scenic beauty within the NL. Based on the plans before me and my observations on site I see no reason to take a different view. Accordingly, the proposal does not conflict with the guidance set down in the National Planning Policy Framework (the Framework) on this matter.
3. I was invited to view the proposal from a number of neighbouring properties, however, at the time of my site visit no-one was present to allow me access to 28 Victoria Road and Glenthorne, Brimscombe Hill. Nevertheless, I am content that I can assess the main issues in dispute.

Main Issues

4. The main issues are the effect of the proposal on:
 - the character and appearance of the area; and
 - the living conditions of the occupiers of neighbouring properties with particular regard to privacy, light levels and outlook.

Reasons

Character and appearance

5. The appeal site is located on Brimscombe Hill within an established residential area. Dwellings on Brimscombe Hill are typically large and of a traditional design located within spacious plots. Buildings on the south side of the hill are

elevated above the adjacent highway. This, in addition to mature vegetation within front gardens, results in a verdant and spacious character and appearance to the area. To the rear of the site the dwellings on Victoria Road comprise traditional modest terraced dwellings set behind small front gardens. This results in a modest and compact character. Nonetheless, dwellings in the area are predominantly of a traditional form. Based on my observations on site, catslide roofs do not appear to be a particular characteristic of the immediate surrounding area.

6. The appeal site comprises The Beeches, a Victorian red brick detached dwelling set within a substantial plot with a detached flat roof garage to the side. Both the garage and the host dwelling are set behind a dry stone wall, behind which sits a hedge which partly screens the garage in street scene views. The appeal site contains a number of mature trees. The land falls away to the north and east and as a result the site is elevated above neighbouring properties to the east and north.
7. The Holy Trinity Church lies to the south, an imposing grade II listed church, adjacent to which is the large imposing old school building, both of which are elevated above the adjacent highway. These prominent buildings are larger than the residential buildings in the surrounding area and differ distinctly in scale, form and articulation from the traditional form of dwellings which characterise the surrounding area.
8. The appeal proposal seeks to erect a large, pitched roof dwelling following the demolition of the garage. As a result of the changes in levels across the site, the dwelling would appear to be single storey to the front elevation rising to 2-storeys with accommodation in the roof space to the rear. The dwelling would incorporate a glazed link and porch to the front elevation.
9. The dwelling would be partly screened by boundary vegetation in views from the street scene and surrounding area. Nonetheless, the upper parts of it would be visible above the boundary wall and vegetation in views from the surrounding area, in particular in close range street scene views from the east. In these views the proposal would present a substantial building with an expansive roof form and a large amount of visual bulk and massing which would be considerably taller than the garage it would replace. Whilst the dwelling would be consistent with the height of dwellings in the immediate surrounding area, its siting close to the site boundaries on a small site would result in an unduly cramped appearance which would not sit comfortably within the street scene, unacceptably disrupting the existing pattern of development.
10. The design of the dwelling would feature some traditional elements such as a pitched roof and would be constructed in materials reflecting the local vernacular. Nonetheless the articulation of the dwelling results in an elevation composition that would appear entirely dominated by brickwork. Furthermore, the scale, articulation and prominent siting of the proposed large catslide dormer window, flat roof porch and the 2-storey flat roof glazed link would appear bulky and incongruous and would fail to harmonise with the otherwise traditional form of the proposed dwelling and the simplicity of the local vernacular.

11. The Holy Trinity Church is grade II listed and statute requires that I pay special regard to the desirability of preserving a listed building or its setting¹. There is no indication that the site has any form of historic significance in association with the church. The highway visually and spatially separates the site from the listed building. Consequently, the proposed development would preserve the setting of this listed building.
12. The appeal site is located approximately 40m from the Industrial Heritage Conservation Area (CA). Statute requires that I pay special attention to the desirability of preserving or enhancing the character or appearance of that area². The CA is linear in shape, following the local valleys and transport routes that developed over the 18th and 19th centuries to link the various mill complexes and the CA appears to draw its significance from the area's industrial heritage. There is limited intervisibility between the site and the CA and there is no indication that the appeal site contributes to the setting or significance of the CA. Thus, the proposal would not harm the setting or significance of the CA and would preserve its character and appearance.
13. For the reasons set out above, the proposal would result in a building which would appear as a visually dominant and incongruous feature in its immediate context to the detriment of the character and appearance of the area. Conflict therefore arises with those aims of Policies HC1 and CP14 of the Stroud District Local Plan (2015) (LP) and Policy MP Dev 1 of the Minchinhampton Neighbourhood Development Plan (2019). Collectively, these policies seek to ensure high quality development which is respectful of the surroundings and is of a scale, density, layout and design that is compatible with local character.

Living conditions

14. The proposed dwelling would be sited closer to the properties on the south side of Victoria Road and Glenthorne than the existing garage. The eastern and northern site boundaries are lined by a screen of vegetation, and at my site visit I observed that there appeared to be an existing level of overlooking of the rear elevations and gardens of the properties on the south side of Victoria Road from the properties to the north including the appeal site and the old school building.
15. The Council has expressed concerns regarding a loss of light to neighbouring properties. However, due to the orientation of the proposed dwelling any loss of light to neighbouring properties would not be significant and would appear to affect only the southern-most parts of the gardens for limited times of the day. Therefore, the proposal would not prejudice neighbouring residents' enjoyment of their properties through loss of light.
16. Nonetheless, the proposed dwelling would be closer to the neighbouring properties than the existing and surrounding built form, and the combination of the height and massing of the dwelling and the topography of the area would result in a dwelling which would be readily apparent from neighbouring properties. Whilst noting the presence of intervening vegetation, based on my observations on site and the information before me the dwelling would nonetheless be visible through gaps in the vegetation from the windowed rear elevations and private garden spaces to numbers 29,30,31 and 32 Victoria

¹ Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990

² Section 72 (1) of the Planning (Listed Buildings and Conservation Areas) Act 1990

Road and Glenthorne, where it would appear overbearing and intrusive, making the rooms which these windows serve and these gardens unpleasant spaces in which to spend time, to the detriment of the living conditions of the occupants of these properties.

17. Additionally, given the elevated nature of the dwelling, proposed windows in the side elevation of the dwelling would result in opportunities for overlooking of rooms in the rear elevations of Nos 29,30,31 and 32 Victoria Road and Glenthorne and the rear gardens to these properties. Whilst a degree of overlooking can be expected in urban areas, such a degree of overlooking would go beyond existing and reasonable levels and the resultant loss of privacy would make these rooms and amenity spaces unpleasant places in which to spend time, to the detriment of the living conditions of the occupants of these properties.
18. For the foregoing reasons I find that the proposal harms the living conditions of the occupants of Glenthorne and numbers 29,30,31 and 32 Victoria Road as a result of loss of privacy and the oppressive nature of the development. I therefore find conflict with those aims of LP Policy ES3 which seek to ensure that permission will not be granted for development which would be likely to lead to loss of privacy or an overbearing effect.

Other Matters

19. The appeal site lies within 3.9km of the Rodborough Common Special Area of Conservation (SAC) and within 15.4km of the Cotswold Beechwoods SAC in which proposals including a net gain in residential development have the potential to give rise to significant effects (either alone, or in combination with other proposals). The Council also refused planning permission for reasons relating to the effects on these SACs. As I have found harm in relation to the main issues, it is not necessary in this instance to undertake an appropriate assessment to consider the effect on the SAC.
20. The Government's objective is to significantly boost the supply of housing and the proposal would provide one new dwelling. There would be short-term economic benefits arising from the construction process. The dwelling would be energy efficient incorporating renewable technologies and an EV charging point and would be constructed using locally-sourced and re-used materials. The proposal would result in improvements to visibility for users of the proposed re-sited access. These matters weigh in favour of the proposal. However, these benefits would be limited given the scale of the development.
21. The proposal would result in an improved parking and garden arrangement for the host dwelling. However, there is no particular evidence that the appeal proposal is the only way in which these improvements can be brought about. Given the primarily personal nature of these benefits, I attach limited weight to them as a benefit of the proposal.
22. Whilst I note that the Council's conservation officer raised no objection to the proposal, I have no reason to assume that their involvement would go beyond an assessment of its effect on heritage assets as opposed to the character and appearance of the surrounding area, which is not part of the CA. This matter does not therefore weigh in favour of the proposal.

23. The proposal would assist in providing accommodation for a family member who, for age reasons, would benefit from ground floor living accommodation and the in-house care of the appellant. Accordingly, the development would bring demonstrable social benefits for the appellant's family. These are personal circumstances to which I attribute weight in favour of the appeal. In weighing the personal circumstances in the planning balance, this must be considered against the adverse effect on the character and appearance of the area and the effect on the living conditions of the occupiers of neighbouring properties.
24. I have had due regard to the Public Sector Equality Duty contained in Section 149 of the Equality Act 2010, which specifies the need to eliminate unlawful discrimination, harassment and victimisation, and to advance equality of opportunity and foster good relations between people who share a protected characteristic and people who do not share it. I have also had regard to rights conveyed within the Human Rights Act.
25. In respect of the above, a refusal of planning permission is a proportionate and necessary approach to the legitimate aim of ensuring that development does not result in harm to the character and appearance of the area or the living conditions of the occupiers of neighbouring properties. Therefore, whilst I acknowledge the personal circumstances of the appellant's family, this is not a matter that outweighs the harm that would be caused by the proposed development in respect of my conclusions on the main issues.
26. Concerns regarding the manner in which the planning application was handled by the Council are noted, however, these fall outside the scope of this decision.
27. I note that the proposal follows the submission of pre-application enquiries and it is stated that the advice given has been taken into account including amendments to the scale and design of the dwelling. However, the amendments would still result in a proposal that would harm the character and appearance of the area and the living conditions of the occupiers of neighbouring properties for the reasons outlined.
28. Whilst the appellant has expressed a willingness to amend the proposal no such proposals are before me to give substantial credence to.

Conclusion

29. The proposal conflicts with the development plan and there are no material considerations, either individually or in combination, that outweigh the identified harm and associated development plan conflict. Therefore, I conclude the appeal should be dismissed.

N Robinson

INSPECTOR