



Appeal Decision

Site visit made on 2 July 2024

by Samuel Watson BA (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 23rd July 2024

Appeal Ref: APP/G1630/W/23/3335831

151 Ermin Street, Brockworth, Gloucester, GL3 4HQ

- 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 O Elbana against the decision of Tewkesbury Borough Council.
 - The application Ref is 23/00481/FUL.
 - The development proposed is erection of a new dwelling in the rear garden to be utilised as part of the assisted living based at 151 Ermin Street.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are:
 - Whether the proposal would provide a suitable standard of living conditions for existing and future occupiers, with particular regard to outside space; and,
 - The effect of the proposal on the character and appearance of the surrounding area.

Reasons

Living Conditions

3. The appeal site comprises a rectangular plot containing a detached bungalow. The bungalow is set back from the road by a driveway, which continues down the side of the bungalow, and a small area of planting. To the rear of the site is a sizeable garden area containing a garage and small shed. I understand that the existing dwelling accommodates up to 4 adults in care and a further 2 staff members. The proposal would introduce a new dwelling to the rear of the site providing accommodation for an additional 3 residents and 1 member of staff. It would be served by an extension of the existing driveway to provide parking and a turning head.
4. The appellant has suggested that the garden and outside space is largely superfluous to the needs of the residents. I recognise that as the site is for the care of adults, it is unlikely that residents would need space to play. However, it has not been demonstrated that they would not need space to relax and socialise. It is also likely that staff, whether accompanying residents or on their break, may wish to use an outside space. Visiting friends and family are also likely to accompany residents into the garden area. I therefore consider that

space outside would be needed to suitably accommodate residents, staff and any guests.

5. From the submitted plans it is clear that the rear garden would be significantly reduced by the placement of the proposed dwelling, driveway and parking. This reduction in the size of the garden would harm the living conditions of the existing residents by not providing sufficient outside amenity space to meet their typical needs. This would be exacerbated by the additional residents added by the proposed dwellings which would also be provided with a poor standard of living conditions as a result of the small garden. Given the number of residents and staff associated with the site, the proposed garden would be substantially smaller than would be necessary to comfortably and pleasantly accommodate the need of those using the site. This would be further exacerbated through guests visiting residents.
6. In light of the above the proposal would provide an unacceptable standard of living conditions for existing and future occupiers by way of the resultant outside space. The proposal would, therefore, conflict with Policy SD14 of the Joint Core Strategy (the JCS), and Policy RES5 of the Tewkesbury Borough Plan (the TBP) which, collectively and amongst other matters, require proposals to not result in unacceptable harm to local amenity including that of occupiers in proposed and existing dwellings. The proposal would also conflict with Paragraph 135 of the National Planning Policy Framework (the Framework) which requires proposals to promote well-being and provide a high standard of amenity for existing and future users.

Character and Appearance

7. As noted above, the proposal would introduce a new dwelling at the rear of the appeal site. It would be located behind the existing dwelling close to a number of bungalows served by an existing lane, which I understand to be private. Ermin Street is characterised by dwellings set back from the road within long, fairly spacious, plots. In contrast the bungalows to the rear of the site are relatively small buildings and are set within similarly small plots.
8. Given the location of the proposed dwellings at the rear of the site it is largely screened from views along Ermin Street by the host dwelling and neighbouring properties. Although it may be viewed along the existing driveway or the private lane, I consider in this context it would appear to relate more closely to the smaller bungalows. I find similarly for any views afforded along the lane and at the end of the cul-de-sac.
9. I therefore find the small scale of the building and associated plot to be in keeping with the character of this lane and that it would replicate the pattern of development. Notwithstanding my findings above, I consider the appeal site would not appear cramped or over developed when viewed from public vantages. In particular, views along Ermin Street would still suggest a long and spacious plot serving the host dwelling.
10. In light of the above, the proposal would not harm the character and appearance of the surrounding area. It would therefore comply with JCS Policies SD4 and SD10 and TBP Policy RES5 which, collectively and amongst other matters, require proposals to respond positively to and respect the character, distinctiveness and appearance of the surrounding area so as to maintain a strong sense of place. It would also comply with Paragraph 135 of

the Framework which similarly seeks for proposals to be sympathetic to the local character of the built environment and maintain a strong sense of place.

Planning Balance and Conclusion

11. There is no dispute that the Council is unable to demonstrate a five-year housing land supply. The Government's objective is to significantly boost the supply of housing and the proposal would provide one new dwelling and contribute towards the Council's housing land supply. It would also lead to a small and time limited economic benefit during the construction phase, as well as some limited social and economic benefits resulting from future occupiers. Given the small scale of the proposal and that it would not provide an open market dwelling these matters would at most attract modest weight.
12. Conversely, the proposal would result in harm to the living conditions of existing occupiers and provide unsatisfactory living conditions for future occupiers at the site. These impacts are contrary to both local and national planning policy to which I give significant weight.
13. Although there may be no harm caused to the character and appearance of the surrounding area or any heritage assets, a lack of harm is not a benefit in itself and so this carries neutral weight in my considerations.
14. Taking everything into account, I consider that the adverse impacts of granting planning permission would significantly and demonstrably outweigh the benefits. As a result, the application of Paragraph 11d of the Framework does not indicate that permission should be granted, and the proposal would not represent sustainable development. In the circumstances of this appeal, the material considerations above do not justify making a decision other than in accordance with the development plan.
15. Therefore, for the reasons outlined above, I conclude that the appeal should be dismissed.

Samuel Watson

INSPECTOR