



Appeal Decision

Site visit made on 6 August 2024

by Laura Cuthbert BA(Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 27th August 2024

Appeal Ref: APP/C1625/W/23/3332258

Brencliff, Lower Spillmans, Rodborough, Gloucestershire GL5 3RU

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant outline planning permission.
 - The appeal is made by Mr Phil West against the decision of Stroud District Council.
 - The application Ref is S.230363/OUT.
 - The development proposed is one detached dwelling in the garden of Brencliff.
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Decision

1. The appeal is dismissed.

Preliminary Matter

2. The application was made in outline with all matters reserved for future consideration. However, during the course of the application, the Council requested further detail regarding the layout, scale and access of the proposed development under Article 5 of the Town and Country Planning (Development Management Procedure) (England) Order 2015. I note from the decision notice that the Council determined the application with some matters reserved for future consideration, notably, appearance and landscaping. Consequently, I have taken any indication of any reserved matters shown on the submitted drawings to be illustrative, apart from details of the layout, scale, and access.

Main Issues

3. There are 2 main issues. These are the effect of the proposal on:
 - the character and appearance of the area; and
 - the Rodborough Common Special Area of Conservation and the Cotswolds Beechwood Special Area of Conservation.

Reasons

Character and Appearance

4. The appeal site relates to a parcel of land which lies at the bottom of a steeply sloping driveway which runs up and serves the dwelling known as Brencliff, as well as the neighbouring dwelling, known as Kingsbridge House. There is currently a pair of garages on the site, which are accessed via Lower Spillmans. It is a narrow plot, positioned in between the driveway, a public footpath, and the highway of Lower Spillmans.
5. The existing streetscene of Lower Spillmans comprises a mixture of properties of varying types and designs, including detached, semi-detached, and terraced

properties. Whilst this variation is noted, the immediate character that the appeal site is seen in the context of is of semi-detached and Victorian terraced properties that predominantly benefit from long narrow rear gardens. Where detached dwellings exist, they are positioned in larger plots, with larger gardens.

6. Whilst Lower Spillmans has dwellings with a frontage on to the road and their gardens behind, it also provides a rear or alternative access to the properties along Bath Road to the north-west, which are situated below the road level of Lower Spillmans. Consequently, there are a number of detached outbuildings, such as garages and sheds, associated with the Bath Road properties situated along Lower Spillmans. Thus, the appeal site is also seen in the immediate context of these structures.
7. A public footpath runs directly alongside the northeastern boundary of the appeal site. Due to its proximity, the site is highly visible from the footpath. By virtue of their flat roof and single storey form, the existing garages currently sit relatively unobtrusively in the streetscene and are appropriate to the local context. The low built form of the existing garages also contributes to a sense of spaciousness in an otherwise built up streetscene.
8. The proposal, by virtue of its contrived form and layout, infilling the majority of the width of the site in order for the dwelling to be accommodated on to the constrained site, would result in a cramped form of development, which would be incompatible with the character and appearance of the area. The proposal would almost be wedged on to the site, resulting in an overdevelopment of the parcel of land. Furthermore, the detached form and scale of the proposal, on a narrow, small plot, would result in development that would have an uncomfortable juxtaposition between the plot configuration of the traditional Victorian terraces and the detached dwellings in larger plots. Its proximity and visibility from both the highway and the footpath would exacerbate its incongruity in the streetscene.
9. Furthermore, whilst the proposed garden might be larger than the gardens of the existing terraces, as alleged by the appellant, the steep topography and narrow shape of the plot due to the site boundaries would result in a restricted, awkwardly shaped, and therefore unusable, private garden area. This would further emphasise the cramped layout of the proposal, which would fail to integrate into the surroundings. The replacement of the subservient garage structure with a larger replacement dwelling would permanently reduce the spacious feel of the street scene, to the detriment of the character and appearance of this part of the settlement where the proposal would be located.
10. As appearance would still be a reserved matter, so more detailed design concerns could be addressed 'so that it would integrate with its surroundings', as alleged by the appellant, I am not convinced that given the harm identified above that this would be sufficient to overcome my concerns. Furthermore, the appellant argues that the existing garages are dilapidated and redundant. However, their replacement with the proposal which, for the reasons set out above, would harm the character and appearance of the area, would be unacceptable.
11. The appellant has drawn my attention to 4 other alleged similar developments in the area, notably 39 Belmont Road, 1a Arundel Drive, Rear of 62 Bath Road and another development along Lower Spillmans. On my site visit, I observed

the two 4 bed detached dwellings along Lower Spillmans. However, I do not have the full details of any of these other developments before me so I cannot be certain that the circumstances are directly comparable to the appeal scheme before me now. Nevertheless, the fact that apparently similar development exists is not a reason, on its own, to allow unacceptable development. I have considered this appeal proposal on its own merits and concluded that it would cause harm for the reasons set out above.

12. Therefore, I conclude that the proposal would harm the character and appearance of the area. It would be contrary to Policies HC1 (criteria 1, 7 and 9) and CP14 (criteria 5 and 9) of the adopted Stroud District Local Plan (Local Plan) (November 2015). In combination, these policies require residential development to be of a scale, layout and design that is compatible with the character and appearance of the part of the settlement where it would be located, and appropriate to the site, including the local topography. Both policies also require an appropriate area of private amenity space to be provided for the occupiers of each dwelling and that development will be supported where it contributes to a sense of place both in the buildings and spaces themselves and in the way in which they integrate with their surroundings including appropriate amenity space.

The Rodborough Common Special Area of Conservation and the Cotswolds Beechwood Special Area of Conservation

13. The appeal site lies within the 3.9km core catchment zone of the Rodborough Common Special Area of Conservation (SAC) and within the 15.4km core catchment zone of the Cotswolds Beechwood SAC. These sites are subject to statutory protection under the Conservation of Habitats and Species (Amendment) Regulations 2017 (as amended) (the Regulations). Regulation 61 of the Regulations requires the competent authority to make an appropriate assessment of the implications of a particular proposal, alone or in combination with other plans or projects on any likely significant effect on a European Site designated under the Habitats Directive.
14. The Rodborough Common SAC is an extensive area of semi-natural dry grassland which forms part of a much larger network of unimproved grassland, good quality semi-improved grassland and woodland. The Common's close proximity to Stroud, open access and attractive views means it is a popular destination and draws people for a range of activities.
15. The Cotswold Beechwoods SAC is designated for the internationally important beech woodlands, and to a lesser extent for calcareous grassland communities. The Cotswold Beechwoods represent one of the most westerly extensive blocks of beech forest that are floristically rich compared to other similar sites. The Beechwoods are mostly high forest, and some areas of remnant beech coppice. It is very popular with visitors for recreation uses.
16. The proposal for one dwelling has the potential to cause adverse effects, either alone or in combination with other developments, due to the increase of recreational pressure and the potential this has to impact upon the qualifying features for which the SAC's were designated. Therefore, based on the evidence before me it is likely that, in the absence of mitigation measures, the proposal would have a significant adverse effect on the integrity of the SAC's. Accordingly, I have carried out an Appropriate Assessment, as required under the Regulations.

17. The Council adopted mitigation strategies in relation to both the Rodborough Common SAC and the Cotswold Beechwoods SAC in October 2022 which sets out a strategic approach to mitigate recreational impacts of residential developments. As the appeal site falls within the core catchment zones of both of the SAC's, the appellant could either make one-off Section 106 (S106) contributions of £994 and £673 per new dwelling for each respective SAC towards the Councils avoidance mitigation strategies or the appellant could provide their own bespoke strategy to mitigate the identified impacts the proposed development would cause.
18. Whilst the appellant argues that a 'mitigation strategy will be complied with a CIL funding application', based on the evidence before me, any mitigation would need to be via a bespoke mitigation scheme or through a financial contribution to be secured via a S106 and not through CIL. However, the appellant has provided neither of these.
19. Therefore, based on the evidence before me, I conclude that the proposal would have a significant adverse effect on the integrity of both the Rodborough Common SAC and the Cotswold Beechwoods SAC. It would be contrary to Policy ES6 of the Local Plan which requires development to safeguard and protect all sites of European importance. Development must not result in significant adverse effects on these internationally important nature conservation sites, either alone or in combination with other projects and plans. The Council will expect development proposals to demonstrate and contribute to appropriate mitigation and management measures to maintain the ecological integrity of the relevant European sites.

Other Matters

20. I note the feedback given as part of the pre-application advice in June 2021. However, I note that the advice from the Council was that it had concerns that the dwelling would not relate well to the general character of the surrounding street scene or the local vernacular and that it would not be able to support the scheme.

Conclusion

21. The appeal scheme would conflict with the development plan. There are no material considerations, including the approach of the Framework and worthy of sufficient weight, that would indicate a decision other than in accordance therewith. The appeal is therefore dismissed.

Laura Cuthbert

INSPECTOR