



Appeal Decision

Site visit made on 20 August 2024

by **O Marigold BSc DipTP MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 28 August 2024

Appeal Ref: APP/P0119/W/24/3341197

Land Rear of 76 Melrose Avenue, Yate, South Gloucestershire

- 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 Jack Benton against the decision of South Gloucestershire Council.
 - The application Ref is P23/02475/F.
 - The development proposed is new dwelling following the demolition of existing block of seven garages.
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Decision

1. The appeal is dismissed.

Main Issue

2. The main issue is the effect of the proposal on the character and appearance of the area.

Reasons

3. The appeal site is within a post-war housing estate. Properties nearby and in the wider area consist predominantly of two-storey, semi-detached houses, in an ordered layout of two concentric rings. Most houses have set-backs and long rear gardens, giving a fairly spacious appearance, albeit less so on plots either side of rows of garages. Properties within the estate have been subject to alterations and additions over time. Even so, the area retains a distinctive and broadly consistent character.
4. The site consists of a row of single storey garages and their frontage apron. It is directly opposite a similar row of garages, giving a degree of symmetry. The garages at the appeal site are of functional appearance and said to be unsuitable for modern vehicles. Nevertheless, the site currently reflects the planned character of the area.
5. The proposal seeks to demolish the existing garages within the appeal site and to erect a single storey dwelling and parking. The proposed dwelling would have sufficient space either side of it to exceed Local Plan requirements. It would have a gable end design and external materials similar to nearby dwellings. It would also provide an active frontage to the street.
6. However, because of the relatively small size and narrow depth of the plot, the proposal would appear uncharacteristic of other dwellings in the area. Furthermore, its shallow, single-storey height and detached footprint would conflict harmfully with the predominant pattern of two-storey, semi-detached

dwelling. The symmetry with the row of garages opposite the site would also be lost, adding to the incongruous appearance of the proposal. For these reasons, it would appear contrived and out-of-place, and would undermine the existing pattern of development.

7. Consequently, the proposal would harm the character and appearance of the area, contrary to Policy CS1 of the South Gloucestershire Core Strategy (SGCS), adopted December 2013, and Policy PSP1 of the South Gloucestershire Local Plan Policies, Sites and Places Plan (LP), adopted November 2017. These policies require proposals to reflect the form, distinctiveness and layout of its context. They are consistent with the aim of the National Planning Policy Framework (the Framework), for development to be sympathetic to local character, with which the proposal would also conflict. As such, I give this harm substantial weight.

Other Considerations

8. At application stage, the Council accepted that it did not have a plan-led approach to housing that was consistent with the Framework in force at the time. Little is before me to suggest that this has changed, despite the Council now claiming an adequate housing land supply, which the appellant does not dispute. Accordingly, it is necessary for me to consider whether the adverse impacts of the proposal would significantly and demonstrably outweigh the benefits inherent in providing an additional dwelling, as set out in Framework Paragraph 11.
9. I have found conflict with SGCS Policy CS1 and LP Policy PSP1, and I therefore find that the proposal would conflict with the Development Plan, read as a whole. Against that, the proposal would add to the supply of housing. However, due to the proposal being for a single dwelling, this benefit attracts only limited weight.
10. Construction of the proposal would make an economic contribution locally, for instance to the building industry. Its future occupiers would also make social and economic contributions to the area. The proposal would help to meet an identified need¹ for smaller, more affordable dwellings, including one-bed houses, potentially also increasing social diversity. It would be close to services and facilities and would have small ecological advantages. Nevertheless, given the modest size of the proposal, I give these benefits limited positive weight.

Planning Balance and Conclusion

11. Section 38(6) of the Planning and Compulsory Purchase Act 2004 states that applications for planning permission, and therefore appeals, must be determined in accordance with the Development Plan, unless material considerations indicate otherwise. Given the harm that I have identified, and the weight that I attach to it, I consider that the adverse impacts of granting permission would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework as a whole.
12. For the reasons given, I have found conflict with the Development Plan. The material considerations in this case, including the Framework, do not indicate a

¹ In the Council's Local Housing Needs Assessment Report of Findings (December 2023).

decision other than in accordance with the Development Plan. This leads me to conclude that the appeal should be dismissed.

O Marigold

INSPECTOR