

Appeal Decision

Site visit made on 28 August 2024

by E Worley BA (Hons) Dip EP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 5 September 2024

Appeal Ref: APP/C1625/D/24/3340857

4 The Avenue, Stinchcombe, Dursley, Gloucestershire GL11 6AJ

- 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 Chris Beeson against the decision of Stroud District Council.
- The application Ref is S.23/2222.
- The development proposed is the erection of a first floor side extension and a single storey rear extension.

Decision

1. The appeal is dismissed.

Procedural Matters

2. The description of development given above is taken from the Council's Decision Notice rather than the planning application form, as this provides a more precise description of the proposal.

Main Issues

3. The main issues are the effect of the proposed development on the character and appearance of the host property as a non-designated heritage asset (NDHA) and protected species, specifically Great Crested Newts.

Reasons

Character and appearance

4. The host property is a post-World War II 'Swedish House' of timber construction. It forms one half of a pair of semi-detached properties, located on the edge of the settlement of Stinchcombe.
5. The Council suggest that the building is a non-designated heritage asset (NDHA). While there is limited supporting information in respect of it being an NDHA, given its age and built form, together with the fact that it forms part of a group of similar historic buildings, I have no reason to reach a different conclusion. Moreover, I note that the appellant has no overall objection to the appeal site being identified as a NDHA.

6. The appeal proposal includes the erection of an extension to the flank elevation of the property, to create additional floorspace at first floor level above an under-croft area, as well as a single storey rear extension. The Council has raised no objection to the single storey rear extension in terms of its effect on the character and appearance of the host dwelling, and I concur with this.
7. The property benefits from an existing side extension of a similar design to the main dwelling, with a slightly lower ridge height. The proposed side extension would project beyond the existing extension, with a matching roof pitch and lower ridge height. However, it would be set back from the front and rear elevations of the property and would incorporate eaves set considerably above the height of the eaves of the main dwelling. This arrangement would give rise to an awkward juxtaposition of eaves levels and the extent of roof plane between the existing building and proposed extension. In addition, this arrangement would result in an expanse of facing wall to the front and rear façades of the dwelling at first floor level above the height of the existing eaves. Consequently, by virtue of its design, the side extension would appear as a jarring feature in contrast to the simple form of the dwelling, which would harm its appearance, and would be incongruous to its character and interest.
8. The earlier side extension to the dwelling already creates a degree of unbalance to the pair of semi-detached properties, because of its height and scale above that of the single storey side projection at the adjoining property, which is set back from the front elevation. Despite its relatively modest width, the proposed side extension, would nonetheless further elongate the property and thus, in addition to the previous extension, would accentuate the unbalance of the pair of properties, particularly at first floor level. As a result, the proposed side extension, by virtue of its overall scale and height, would further unbalance the symmetry of the pair of semi-detached properties.
9. Whilst the proposed external materials of the extension would be in keeping with that of the host dwelling, and it would not appear to be unduly large given the overall size of the plot, this would not overcome the harm I have identified. I appreciate that the existing dwelling is well screened by the existing hedging and trees along the side boundary of the site and within the front garden of the property, with only parts of the roof and side gable being visible. Given this context, the side extension would only be visible in glimpsed views of the site, where it would also be seen against the backdrop of the existing building. Nonetheless, I cannot be certain that the hedging and trees would remain in their current form. Furthermore, while the existing landscaping would soften the proposal, it should not be used as a screen to mitigate otherwise unacceptable development.
10. Consequently, in light of the above considerations, the proposed side extension would detract from the character and appearance of the dwelling and would diminish the historic interest of the NDHA. The National Planning Policy Framework requires at paragraph 209 that the effect on the significance of a NDHA should be taken into account in determining an application and requires a balanced judgment having regard to the scale of any harm or loss and the significance of the asset.

11. The proposal would provide additional living accommodation at the property in the form of an enlarged master bedroom and an additional bathroom, to meet the needs of the appellant and their family. However, there is no clear evidence before me that the benefits arising from the scheme, or similar benefits, are dependent on the design of the side extension. Accordingly, I attribute limited weight to the benefits. Therefore, in this case, the harm to the NDHA would, in my balanced judgement, be unacceptable.
12. I therefore conclude that the proposed extension would harm the character and appearance of the host property as a NDHA. In that regard it would fail to accord with Policy HC8 of the Stroud District Local Plan adopted November 2015 (SDLP) which sets out that permission will be granted for the extension of residential properties, provided that, among other things, the height, scale, form and design of the extension is in keeping with the scale and character of the original dwelling (taking into account any cumulative additions), and Policy CP14 of the SDLP in so far as it supports high quality development, which protects, conserves and enhances the built and natural environment, and is of an appropriate design and appearance, which is respectful of the surroundings, including the built environment and heritage.

Protected species

13. The Council's second refusal reason relates to the absence of information required to assess the effect of the proposal on protected species, specifically Great Crested Newts (GCNs). Given the presence of a pond at the property and the location of the site within the amber zone for GCNs, despite the lack of confirmed sightings, there would appear to be a reasonable prospect of GCNs being present on the site.
14. Paragraph 99 of Circular 06/2005¹ states that the presence of a protected species is a material consideration when a proposed development would be likely to result in harm to the species or its habitat. It is clear that it is essential that the presence or otherwise of protected species, and the extent that they may be affected by the proposed development, is established before planning permission is granted, otherwise all relevant material considerations may not have been addressed in making the decision.
15. As part of the appeal submissions the appellant highlights that the pond would not be directly affected by the proposal and sets out suggested precautionary measures to be taken during the construction works. However, in the absence of an ecological survey I am not persuaded that the effect of the proposal on GCNs and their habitats has been adequately surveyed or that the extent to which they may be affected by the development has been demonstrated. Consequently, without such clarification, I am unable to determine the full effects of the proposal on GCNs and habitats that may support them.
16. I therefore conclude that there is insufficient evidence to demonstrate that the proposal would have an acceptable effect on protected species, specifically GCNs. Accordingly, the proposal is contrary to Policy ES6 of the adopted SDLP which sets out that development proposals that would

¹ Circular 06/2005: Biodiversity and geological conservation - statutory obligations and their impact within the planning system

adversely affect European Protected Species (EPS) or Nationally Protected Species will not be supported, unless appropriate safeguarding measures can be provided.

Other Matters

17. Concerns regarding the Council's lack of engagement during the processing of the planning application fall outside of the remit of this decision.

Conclusion

18. For the reasons set out above the proposal would conflict with the development plan as a whole. There are no material considerations which would indicate otherwise that permission should be granted. The appeal is, therefore, dismissed.

E Worley

INSPECTOR