



Appeal Decision

Site visit made on 10 September 2024

by Rebecca McAndrew, BA Hons, MSc, PG Dip Urban Design, MRTPI

an Inspector appointed by the Secretary of State

Decision date: 25 September 2024

Appeal Ref: APP/C1625/D/24/3346029

Hillcroft, Hamshill, Coaley, Gloucestershire GL11 5EH

- 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 and Mrs Phillips against the decision of Stroud District Council.
 - The application Ref is S.24/0299/HHOLD.
 - The development proposed is described as a garage to the front with dormers to the roof space. Balcony to the main bedroom.
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Decision

1. The appeal is dismissed insofar as it relates to the replacement detached garage. The appeal is allowed insofar as it relates to the erection of a balcony at Hillcroft, Hamshill, Coaley, Gloucestershire GL11 5EH in accordance with the terms of the application, Ref S.24/0299/HHOLD, so far as relevant to that part of the development hereby permitted and subject to the following conditions:
 - 1) The balcony hereby permitted shall begin not later than 3 years from the date of this decision.
 - 2) The development hereby permitted shall be carried out in accordance with the following approved plans: Drawings 01, 01-2, 02, 03, 04 and 05

Procedural Matter

2. I have amended the description of development in the above banner, found on the appellants' planning application form, to remove superfluous wording.
3. The Council's officer report advises that it has no objections to the proposed balcony, provided that a privacy screen is installed to the side elevation to safeguard the privacy of the adjoining occupiers in The Martens. The appellants consider a screen to be unnecessary but advise that they would be willing to provide one if required. Given that this is a point of contention between the Council and the appellants, I have considered this matter as part of this appeal.

Main Issues

4. The main issues are;
 - i. The effect of the garage on the character and appearance of the site and area; and

- ii. Whether a privacy screen is required on the side elevation of the proposed balcony to protect the living conditions of neighbouring occupiers.

Reasons

Character and Appearance

5. Hamshill is characterised by a variety of dwelling types, which are mostly set back from the highway with good sized, undeveloped front gardens. A modest single garage is currently located to the front garden of the appeal property.
6. The proposed garage would be significantly larger in both footprint and height than the existing garage it would replace, and it would sit closer to the highway. Whilst the proposed garage would include materials to match the existing dwelling, due to its excessive mass, it would unacceptably dominate the appellants' home and front garden. Consequently, it would appear overly prominent and incongruous within both the site and street scene. As such, the proposed garage would unacceptably harm the character and appearance of the site and area.
7. In view of the above, I conclude that the proposed garage conflicts with Policies CP14(5) and HC8(2) of the Stroud District Local Plan (2015) (LP). Taken together, these require the scale and design of proposed outbuildings to respect the original dwelling and area.

Living Conditions

8. The proposed balcony would be located on the rear of the appellants' home. This elevation sits a good distance behind the rear elevation of the neighbouring property, The Martens. Therefore, views from the proposed balcony into the neighbours' private garden space would be significantly obscured by the side elevation of that property, with very limited views into their rear garden. As such, the proposed balcony would not give rise to an unacceptable level of overlooking of the neighbours' rear garden.
9. I note the Council's desire for a privacy screen to be installed to the side elevation of the proposed balcony. However, I have found that the balcony would not give rise to an unacceptable loss of privacy to the neighbours. Also, due to the position of the balcony, the screen would restrict views of the side elevation of the neighbours' house, rather than views into their rear garden. Taking all of this into account, a privacy screen is not required as it is not necessary to make the development acceptable.
10. In conclusion, the proposed balcony without a privacy screen would not unduly harm the privacy of the neighbouring occupiers. Consequently, there is no conflict with LP Policy HC8 which seeks to safeguard the living conditions of neighbouring occupiers.

Other Matters

11. I acknowledge that the current proposal seeks to overcome the reasons for refusal of a previous scheme. However, for the reasons outlined above, I have found that the proposed garage would unacceptably harm the character and appearance of the site and area.

12. I note that neighbouring property, Hygge, includes a garage within the front garden which sits adjacent to the highway. However, it is a relatively low structure and well-screened from the highway. Unlike the appeal garage, it appears subservient to the main dwelling and sits comfortable within the context of the site and area. I therefore attach limited weight to this structure in support of allowing the garage which is the subject of this appeal.
13. I have also considered examples of other garages in the area and a neighbouring dwelling, Hamshill Bungalow, which are highlighted by the appellants in support of their proposals. Based on the limited information before me, and my site visit, I am not persuaded that these examples are directly comparable with the appeal proposal. As a consequence of these different circumstances, and also taking into account that each proposal must be considered on its own merit, I attach limited weight to these examples in making my decision.
14. I recognise that the proposed garage would not give rise to loss of privacy to neighbouring occupiers and that the appellants advise the scheme would meet the Council's Parking Standards.
15. None of the other matters raised alter or outweigh my conclusion that the proposed garage would unacceptably harm the character and appearance of the site and area.

Conditions

16. It is necessary to impose a drawings condition for the avoidance of doubt and in the interests of certainty. I impose the standard time limit condition in the interests of certainty.

Conclusion

17. I have found that no harm would be caused, by the erection of the balcony to the main dwelling. This element of the works is self-contained and could be built separately from the proposed garage. I am therefore able to issue a split decision.
18. For the reasons given above, and having regard to all other matters raised, I conclude that this appeal should be allowed in so far as it relates to the balcony but dismissed in so far as it relates to the replacement garage.

Rebecca McAndrew

INSPECTOR