The Planning Inspectorate

Appeal Decision

Site visit made on 13 November 2024

by Eleni Marshall BSc (hons) MSc FRICS FAAV MRTPI

an Inspector appointed by the Secretary of State

Decision date: 22 November 2024

Appeal Ref: APP/P1615/D/24/3349590
Constables House, Kempley Road, Dymock, Gloucestershire, GL18 2AH

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
- The appeal is made by Mr Anthony Eagle against the decision of Forest of Dean District Council.
- The application reference is P0564/24/FUL.
- The development proposed is erection of single-storey garage, attached to the main dwelling.

Decision

1. The appeal is allowed, and planning permission is granted for the erection of single-storey garage, attached to the main dwelling at Constables House, Kempley Road, Dymock, Gloucestershire, GL18 2AH Ref: P0564/24/FUL and the plans submitted with it subject to the following conditions:

   1) The development hereby permitted shall be commenced before the expiration of three years from the date of this permission;

   2) The development hereby permitted shall be carried out in accordance with the following approved plans: location plan (unnumbered), block plan (unnumbered), proposed elevations 240203P and proposed floor plans 240203FP;

   3) The materials to be utilised in the construction of the external surfaces of the development shall match those used in the existing building.

Procedural Matters

2. I have utilised the Council's description of the development as per the decision notice as I feel it more concisely describes the development.

Main Issue

3. The main issue is the impact of the proposal upon the character and appearance of the Dymock Conservation Area as a designated heritage asset.

Reasons

4. The appeal site is a two-storey detached dwelling house which stands within both the settlement boundary and the Dymock Conservation area (CA). Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires that special attention shall be paid to the desirability of preserving and enhancing the character and appearance of the CA. The site is also noted to adjoin the Important Open Area (IOA) to the west which includes

the former Herefordshire and Gloucestershire Canal and Railway. The former Railway Line is noted to form an important and distinctive landscape feature running through the CA which is also considered as non-designated heritage asset. The appeal site, a former Police Station, is prominently located at the western side of the CA and is noted to stand on top of a bank of the cutting for the former canal and railway line.

5. At the time of my site visit I found the appeal site to be visually prominent due to the surrounding site levels particularly, for example, when approaching the appeal site from Western Way (opposite). This part of the CA is noted to have an open feel due to the large adjacent IOA with larger gaps between the built form and the fields to the west of the village visible over the bridge to the west of the appeal site. The host dwelling is considered to contribute positively to the appearance of the CA due to the quality of its architectural detailing consistent with the characterisation of the CA with the use of red brick. The historic function of the building, as a police station and evident on the date stone to the front elevation, also adds positively to the historic interest of the building and its contribution to the CA.

6. I note that a previous scheme was refused, and, in that case, I understand the appeal was dismissed on the grounds of harm caused to the character and appearance of the CA. This was largely due to design, in particular a flat roof, blank elevation, garage doors and width that was considered to compete with and dominate the front elevation of the host dwelling resulting in it detracting from the building's overall contribution to the CA. The Council have provided a copy of the previous appeal[1] and I note that the Inspector found the proposals to be of an appropriate scale for the size of the host property but did note the width would dominate its front elevation.

7. Having reviewed the plans upon which the previous Inspector made their comments I find that the previously proposed design was notably different with a flat roof and two modern style garage doors. Whilst I note the width, I find that the reviewed design of the proposals before me would now be more appropriate and viewed as part of the host dwelling rather than detract from the contribution Constables House makes to the CA. I do not find the proposal would dominate the front elevation - the proposed design would be more traditional including a pitched roof, gable and more appropriately designed traditional style garage door.

8. Whilst I appreciate, that cumulatively, the proposals would be forward of the principal elevation of the dwelling itself they would match the existing projection created by the existing lobby/office. The proposal would be a relatively wide horizontal structure, but I do not find that this would result in prominence and or a distracting impact on the principal elevation of the host dwelling as a result of an appropriate design that I find takes design cues consistent with the character and appearance of the host dwelling itself as outlined above. I do not find what the Council have described as a dormer to unbalance the appearance of the front elevation and find that, overall, the proposal demonstrates a traditional design which does not detract from the dwelling's contribution to the CA.

9. I find, therefore, that the proposal would preserve the character and appearance of the CA and sustain the significance as a designated heritage

[1] APP/P1615/D/23/3327094

asset. I do not find that there would be harm to the designated heritage asset which would be required to be outweighed by any resultant public benefits. I note that the Conservation Officer identifies that outbuildings which were shown to be demolished in the previous scheme appear to have been removed, however, on the basis that I find the proposal acceptable as submitted, I do not find that there is a requirement to ascertain alternative locations for the proposed garage in the context of the host dwelling or the CA itself.

10. Overall, the ridge of the proposal would be lower than the eaves of the host dwelling the new design would still appear suitably subservient to the host property within general views and would not detract from any contribution that the appeal site makes to the CA. Whilst the structure is noted to be of not insubstantial width, I find the proposal would positively remove the existing block work structure and would respect and reinforce local architecture and historical distinctiveness as a result of its appropriate design for the host dwelling.

11. I find that the proposal would be consistent with Forest of Dean District Council Core Strategy 2012 Policy CSP1 which requires new development to take into account important characteristics of the environment and conserve, preserve or otherwise respect them in a manner that maintains or enhances their contribution to the environment, including their wider context. The proposal would also be consistent with Allocations Plan 2018 Policy AP.4 which expects development to be of high quality design making a positive contribution to the design quality of the area in which it is proposed and Policy AP.5 which requires that development should protect and promote the special qualities, historic character and local distinctiveness of the district with the proposals being required to preserve, and where appropriate enhance, local character and those aspects of the historic environment together with their settings.

12. The National Planning Policy Framework 2023 (the Framework) states, in paragraph 205, that when considering the impact of a proposed development on the significance of the designated heritage asset, great weight should be given to the assets conservation (and the more important the asset, the greater the weight should be). As a result of the factors, I have outlined above I find that the proposal would result in neutral impact to, and preserve, the CA as a designated heritage asset.

Other Matters

13. I note the appellant's comments in relation to the determination process in so far as the refusal was considered to be unjustified and unreasonable, however, the handling of the application itself is not within the scope of this appeal and the appeal is not accompanied by an application for costs.

Conditions

14. The Council's questionnaire confirms that, in the event the appeal is allowed, they consider three conditions to be necessary. A time condition is attached to comply with Section 51 of the Planning and Compulsory Purchase Act 2004. A condition requiring the development to be in accordance with the approved plans is required to control and define the development which is granted consent. A materials condition is required to ensure an appropriate finish that is consistent with the host dwelling.

15. I note from the Council's delegated report that the County Archaeologist has no objection subject to condition, however, there is no evidence before me as to the condition required or suggested by the consultee in question. Furthermore, as outlined, the Council's questionnaire confirms that, in the event the appeal is allowed, they consider only three conditions to be necessary – which I have considered and applied as outlined above.

Conclusion

16. For the reasons outlined above, and taking into account all other matters raised, I conclude that the appeal should be allowed subject to conditions.

Eleni Marshall

INSPECTOR