
Appeal Decision

Site visit made on 18 March 2025

by K Reeves BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 3rd April 2025

Appeal Ref: APP/P0119/W/24/3349875

77 Adderly Gate, Emersons Green, South Gloucestershire BS16 7DR

- 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 & Mrs G Firth against the decision of South Gloucestershire Council.
 - The application Ref is P24/00711/F.
 - The development proposed is change of use from garage to dwelling.
-

Decision

1. The appeal is dismissed.

Application for costs

2. An application for costs was made by Mr & Mrs G Firth against South Gloucestershire Council. This application is the subject of a separate Decision.

Preliminary Matters

3. I noted on my site visit that the appeal building has been erected, but not completed. However, I have judged the appeal on the submitted plans before me rather than what has been erected on site.
4. A revised National Planning Policy Framework (the Framework) was published on 12 December 2024. Further written comments regarding these changes were submitted by the main parties. This decision is based on the current Framework and has taken account of the further representations made on this.

Main Issues

5. The main issues are:
 - the effect of the proposed development on the character and appearance of the area; and
 - whether the proposed development would provide satisfactory living conditions for the future occupants having regard to the privacy of outdoor private amenity space.

Reasons

Character and appearance

6. The appeal site is located within a residential housing estate known as Emersons Green. The built form that surrounds the site is predominantly characterised by two storey dwellings, some of which have small detached garages. There are

examples of bungalows in the wider vicinity, but they are not the prevailing housing type in this area of the housing estate. The site is at the head of a cul-de-sac that is bordered by two storey detached dwellings.

7. Planning permission was granted for the erection of a detached garage at the appeal site¹. Subsequently, permission was granted to amend the design and scale of the garage². The appeal proposal is for the conversion of the garage building to a residential dwelling. As part of the proposal, two dormer windows would be installed on the roof slope facing the cul-de-sac and a wide dormer would be constructed on the rear roof slope.
8. The appeal site is prominent at the head of the cul-de-sac and is overtly visible from the entrance to the road. In the context of this area of the housing estate, the single storey dwelling with dormer windows would be out of keeping with the prevailing character of the street scene. Particularly as dormer windows are not commonplace in the local area.
9. When reaching the end of the cul-de-sac, the two storey dwellings that surround the site become apparent and the single storey form of the proposed dwelling and its position close to the pavement within a tight and cramped curtilage, compared to the spacious curtilages of the surrounding residential properties, would be incongruent with the built form immediately around the site. The position of the majority of the garden space that would serve the appeal dwelling would be on both sides of the building, and this would also appear out of place in the street scene. This would compound the harm to the character and appearance of the area where private external amenity space is predominantly to the rear of the dwellings. The proposal would not reflect or respond to its surrounding environs and as a result would have a detrimental impact on the character and appearance of the street scene.
10. I acknowledge that the building's skeleton was approved by the Council in the form of a garage and that the changes to the building are largely restricted to doors, windows and dormers. However, what is expected of a garage in respect of its form, its siting in relation to the street and its physical and visual relationship with the surrounding residential properties differs from a dwelling. A single storey outbuilding adjacent to the pavement edge and on a relatively small area of an existing property would reflect other outbuildings on the housing estate and would not appear as an incongruent introduction into the street scene. A dwelling, however, would be expected to respond to, and reflect, the surrounding dwellings in respect of their siting, form, scale and finish. The fact that the Council approved the construction of a garage on the site does not justify the harm that I have identified.
11. The appellants have provided me with examples of bungalows that are found within this area of Emersons Green. However, these differ from the appeal proposal as they were constructed as dwellings and are seen in the context of other bungalows of a similar size. As such, they do not sit as a deviation from the surrounding built form and do not alter my above findings on the appeal.
12. I have also been provided with examples of dormer windows in the local area. However, 3 Adderly Gate includes three dormer windows on a two storey building

¹ South Gloucestershire Council application reference PK17/1094/F

² South Gloucestershire Council application reference P22/02721/HH

that has garages on the ground floor, and therefore has the appearance of an ancillary building rather than a dwelling. It is therefore not a comparable form of development to the appeal proposal in respect of the context of that building's relationship with the dwelling that it is associated with. The dormer window at 39 Adderly Gate is set down below the main roof and is not a stand out feature. In contrast, the dormer windows on the appeal proposal would be prominent from the cul-de-sac and from the public park to the rear of the site. As such, the dormer window at No 39 is not comparable to the appeal proposal either. My judgement in relation to this main issue is therefore not changed by the dormer windows referred to.

13. For these reasons, the proposed development would cause unacceptable harm to the character and appearance of the area. Consequently, the proposal would conflict with Policies CS1 and CS16 of the South Gloucestershire Local Plan: Core Strategy 2006 – 2027 (CS) and Policy PSP1 of the South Gloucestershire Local Plan: Policies, Sites and Places Plan (Adopted November 2017) (PSPP), which collectively seek, in part, for development to respect and enhance the character, distinctiveness and amenity of both the site and its context, development to understand and respond constructively to the buildings and characteristics that make a particularly positive contribution to the distinctiveness of the area/locality, and building density to be informed by the character of the local area and contribute to high quality design objectives.
14. The Council's first reason for refusal also includes reference to Policy CS17 of the CS, which seeks, in part, that new housing development, comprising both market and affordable, provides a wide variety of housing type and size to accommodate a range of different households, including families, single persons, older persons and low income households, as evidenced by local needs assessments and strategic housing market assessments. Given that the proposal is for a single dwelling and does not comprise market and affordable housing, Policy CS17 is not determinative in my consideration of the appeal.

Living conditions

15. Policy PSP8 of the PSPP sets out that proposals will be acceptable provided that they do not create unacceptable living conditions of occupiers of the development. The postamble to Policy PSP8 advises that the development proposal will be required to demonstrate that adequate provision is made in new developments for private amenity space, as set down in Policy PSP43 of the PSPP.
16. Policy PSP43 of the PSPP states that new residential units (including those created by the change of use, development or sub-division of existing buildings), will be expected to have access to private amenity space. It further states that private external amenity space should be, amongst other criteria, of a sufficient size and functional shape to meet the needs of the likely number of occupiers and, as a guide, a two bedroom dwelling should have more than 50 square metres of private external space.
17. The submitted plans indicate that the overall external amenity space exceeds the recommended figure of 50 square metres. However, I have no details before me demonstrating the type of boundary treatment for the garden. Without a form of boundary treatment being shown on the plans, it is taken that the garden would be physically and visually open to the public realm. The area of the garden that would

benefit from screening by the dwelling itself would be to the rear of the dwelling, but this would only be approximately 15 square metres in size. Based on the evidence before me, a sufficient level of privacy would not be afforded to the future occupiers of the proposed dwelling.

18. A planning condition could be attached to any permission granted to establish the position and type of boundary treatment, but it has not been demonstrated that a fence, wall or other type of boundary could be provided on site to give the future occupiers a suitable amount of safe and private external amenity space without causing further harm to the character and appearance of the area. It would therefore not be appropriate to attach such a condition. Particularly in light of Policy PSP43's requirement for private external amenity space to be designed to take account of the context of the development, including the character of the surrounding area.
19. I acknowledge the examples provided by the appellants of properties on Adderly Gate that have gardens that are to some extent overlooked by other properties. However, that is not my concern in respect of the living conditions of the future occupiers of the appeal development. I have not been provided with examples of properties that have gardens that are visually open to the public realm. As such, the examples provided by the appellants do not alter my judgement on the appeal.
20. For these reasons, the proposed development would not provide satisfactory living conditions for the future occupants having regard to the privacy of outdoor private amenity space. Consequently, the proposal would conflict with Policies PSP8 and PSP43 of the PSPP, which collectively seek, in part, to ensure access to adequate private outdoor space.

Planning Balance

21. The Council indicates that it has a five year housing land supply at the time the 2023 Annual Monitoring Report was published. The appellants have not disputed the Council's position on its housing land supply. As such, I do not have a reason to reach a different conclusion on this matter.
22. The appellants have stated that the development plan is "out-of-date". I note that the Council have confirmed that Inspectors have previously found Policies CS5 and CS34 to be "out-of-date", but those policies relate to location of development and are therefore not determinative in the appeal. Other than this confirmation from the Council, there is limited information before me that substantiates the appellants' claim that the development plan is "out-of-date".
23. Typically, planning policies are "out-of-date" for the purposes of Paragraph 11(d) of the Framework if they have been overtaken by events that have happened since the plan was adopted, either on the ground or through a change in national policy, or for some other reason.
24. The Framework requires that development functions well and adds to the overall quality of the area, is visually attractive as a result of good architecture, layout and appropriate and effective landscaping, is sympathetic to local character, including the surrounding built environment, and provides a high standard of amenity for future users of development. The development plan policies I have identified that the proposal would conflict with are consistent with these objectives of the

Framework. As such, the relevant policies are consistent with, and have not been usurped by, national policy and are therefore not “out-of-date”.

25. Given that the Council can demonstrate a five year housing land supply and the development plan policies are not “out-of-date” for another reason, the Framework’s presumption in favour of sustainable development (“the tilted balance”) does not apply in this appeal.
26. In any event, the Framework does not change the statutory status of the development plan as the starting point for decision making. The proposal is not in accordance with Policies CS1 and CS16 of the CS and Policies PSP1, PSP8 and PSP43 of the PSPP, with the associated conflict reflecting harm to the character and appearance of the area and the proposal not providing acceptable living conditions for future occupants. Proposed development which conflicts with the development plan should be refused unless other material considerations indicate otherwise. The proposal may comply with certain policies contained in the development plan, but given the harm that I have identified, the proposal would conflict with the development plan when taken as a whole, and significant weight is attributed to the policy conflict and associated harm identified above.
27. As regards to the scheme’s benefits, one additional housing unit with reasonable access to surrounding facilities and services would be created and the Framework reaffirms the Government’s objective of significantly boosting the supply of homes. However, even though small and medium sized sites can make an important contribution to meeting the housing requirement of an area, such as the housing needs of younger and older generations, one additional unit would not make a noticeable difference to the housing supply situation across the Council’s area. It is thus a benefit that attracts limited weight.
28. The proposal would also create jobs during the construction phase and provide support to the local economy and the vitality of the local community once occupied. These benefits attract minor weight in lieu of the scale of development being considered.
29. The appellants have confirmed that the proposal would allow them to move out of their current home at 77 Adderly Gate, which is too large for them now, and move into the smaller proposed dwelling. Whilst I have given the appellants’ personal circumstances careful consideration, I am mindful of the advice contained in *Planning Practice Guidance (Paragraph 008 Reference ID 21b-008-20140306 – ‘What is a material planning consideration?’)* that in general, planning is concerned with land use in the public interest. It is also probable that the proposed development would remain long after the current personal circumstances cease to be material. For these reasons, I therefore find that this factor is of little weight in favour of the appeal.
30. Overall, I find that the adverse impact of the proposal on the character and appearance of the area and the proposal not providing acceptable living conditions for future occupants would outweigh the limited weight that can be attributed to the scheme’s benefits.

Conclusion

31. For the reasons given above, the proposed development would conflict with the development plan and the material considerations do not indicate that the appeal

should be decided other than in accordance with it. Accordingly, the appeal should be dismissed.

K Reeves

INSPECTOR