



Appeal Decisions

Site visit made on 11 February 2025

by Mr S Rennie BSc (Hons), BA (Hons), MA, MRTPI

an Inspector appointed by the Secretary of State

Decision date: 14 April 2025

Ref: APP/C1625/W/24/3348792

Land At Old Bristol Road, Nailsworth, STROUD, GL6 0LJ

- 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 Andrew Jones (Mr T Evans – Colburn Homes) against the decision of Stroud District Council.
 - The application Ref is S.24/0120/FUL.
 - The development proposed is for the construction of 4 no. dwellings.
-

Decision

1. The appeal is dismissed.

Preliminary Matters

2. This appeal has been considered alongside another appeal for four dwellings at the same address/site, reference APP/C1625/W/24/3353573. However, there are clear and substantial differences between the proposals and also differences with the reasons for refusal from the Council. As such, the other appeal is the subject to a separate decision letter.
3. Within the Council's Statement it makes clear that with the submission of post-decision information the Council are not defending reasons for refusal 4 and 5, relating to the potential effects on Rodborough Common SAC and the Cotswold Beechwoods SAC, and also tree protection measures.

Main Issues

4. The main issues are considered as follows:
 - The effect of the development on the character and appearance of the area, and also on heritage assets in the locality of the site.
 - The effect of the proposed development on the amenities of neighbours to the site.

Reasons

Character and Appearance

5. The proposal is for two pairs of semi-detached houses, with the vehicular access off Old Bristol Road. The design of the proposed dwellings are of a simple appearance, with lean-to porch to the front and single dormer to the rear. The dwellings would not be prominent within the street scene of either Old Bristol Road (B4058) or to Bath Road (A46) to the rear, though their design is of a sufficient standard.

6. The section of the Old Bristol Road that the site is within is of an urban appearance, though the site is on the edge of Nailsworth with the far side of Bath Road to the rear of the site being undeveloped countryside. However, the site itself appears part of a residential area and not as part of a transitional character between urban and rural. The rear gardens to the Old Bristol Road houses adjacent to the site do contribute to the verdant quality of the area, but the site itself does not have such a quality, being that it is largely clear of vegetation and most recently used as a form of workshop or storage yard. As such, the proposed development would not discernibly erode the sense of transition between the open countryside and the existing settlement.
7. The predominant characteristic of dwellings fronting Old Bristol Road is that they are positioned close to the street, with larger rear gardens. However, this would not be the case for the proposed dwellings, which would have their access and front elevations fronting Old Bristol Road, though would be well set back from the highway edge. The dwellings would be set back from Bath Road and at a lower level, and so would clearly back onto this street.
8. There is a run of terraced properties near the site that fronts onto Bath Road (Wycliffe Terrace) but these dwellings front onto Bath Road and are clearly part of the Bath Road street scene. This would not be the case with the proposed houses, which would back onto this street.
9. Essentially, the proposed dwellings would be seen as an inappropriate form of backland development off Old Bristol Road, with the proposed curtilages extending behind existing Old Bristol Road properties such as at No 8. Furthermore, although closer to Bath Road the proposed dwellings do not front this road, such as those at Wycliffe Terrace. The proposed development does not respond well to either street scene, and would appear as an uncharacteristic anomaly within their setting. The proposal would be at odds with the long-established residential street pattern around the site.
10. It is accepted that the site has no positive visual qualities, but the lack of development at the site means it is not prominent. Furthermore, though there could be benefits with developing this site for housing this should be done with a suitable and appropriate design and layout.
11. For these reasons the proposal would not accord with criterion 1 of Local Plan policy HC1 and policy CP14. These policies require that small-scale housing within defined settlements are of a scale, density, layout and design that is compatible with the character, appearance and amenity of the part of the settlement it is proposed to be located; be respectful of the built environment, and integrate with their surroundings, amongst other things.

Heritage Matters

12. The site is situated within the Nailsworth Conservation Area. Furthermore, the nearby neighbouring properties of Northfields (No 6 Old Bristol Road), 1 to 5 Old Bristol Road, and The Maltings, are grade II listed buildings. Where Listed buildings or their settings, are affected by development proposals, Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act requires the decision-maker to have special regard to desirability of preserving the building or its setting or any features of special architectural or historic interest it possesses.

13. The pattern of development is long established considering the age of many of the houses that are near the site. The proposed development, for the reasons set out in the section above, would be an anomaly due to its layout and orientation within the street scene. The development would be at odds with the pattern of development of the locality, which I consider contributes to the significance of the Conservation Area. As such, the proposal would result in less than substantial harm to the Conservation Area.
14. The proposed dwellings would be particularly close and prominent within the setting of Northfield (No 6 Old Bristol Road), which is a listed building. The backland type development as proposed would be a harmful addition within the setting of this listed building. The incongruous positioning and orientation of the proposed dwellings would not conserve the setting of this listed building, which I consider derives part of its significance from the historic layout of its setting. This harm would also be less than substantial.
15. However, following my site visit and a consideration of the setting of the other listed buildings in the area it is considered that the proposed development would not adversely affect the setting of these other heritage assets.
16. I have found that the proposed development would harm the significance of the Conservation Area and the setting of the listed building. Paragraph 215 of the Framework states that any less than substantial harm should be weighed against the public benefits of the proposal. The proposal would contribute towards the housing supply for the town and district, but only with four additional dwellings. There would also be the use of the site, which currently has an abandoned appearance with a negative visual impact. Considering all the public benefits combined, they would not outweigh the harm to the heritage assets.
17. The proposal is therefore contrary to policy ES10 of the Stroud District Local Plan which requires that any harm or loss to heritage assets would require clear and convincing justification to the relevant decision-maker as to why the heritage interest should be overridden. No such clear and convincing reasons are given in this case.

Neighbour Amenity

18. The front elevation of the proposed houses would face towards the rear of the dwellings that front Old Bristol Road. This includes Nos 7 and 8 and Somerset Villa, all on Old Bristol Road. It is also important to acknowledge that the dwellings as proposed would be at a higher level than these neighbouring houses. There would be first floor windows serving habitable rooms in the proposed houses which would have views towards these neighbours, including windows in the rear elevations of these neighbouring houses and private amenity space.
19. For Somerset Villa, there is proposed to be retained some trees to the rear of this property which could filter some views. Furthermore, the rear garden of Somerset Villa is not a particularly private space, being open to the shared access for example. It is considered that the overlooking impact of the development on this dwelling would not be at an unacceptable level.
20. For No 8 Old Bristol Road, there is part of this house that projects towards its rear boundary. This would have the effect of bringing the rear elevation closer to the proposed houses. The Council states that the distance between the front elevation

of the proposed house at Plot 1 and the rear elevation of No. 8 Old Bristol Road, fails to meet the 25m minimum distance prescribed within the Council's Residential Design Guide. From my site visit and from the plans before me I would consider that the separation distance is not sufficient to avoid undue levels of privacy loss, either to the windows in the rear elevation of No 8 or into its rear garden.

21. There is further distance between the rear of No 7 Old Bristol Road and the proposed houses than with No 8. However, the proposed houses would allow an elevated view into the rear garden of No 7, which would diminish the privacy levels for this amenity space significantly from existing levels.
22. Currently there are no dwellings with views back towards Nos 7 and 8. There would be some views from neighbouring properties to the sides of Nos 7 and 8 and into their rear gardens, but only at an angle or at a substantial distance. Currently these rear gardens are relatively private. The introduction of proposed dwellings, at the distances as shown on the proposed layout, would significantly reduce the privacy levels for occupants at both No 7 and No 8 below existing levels, due to the views from the proposed houses back towards these existing properties.
23. This is exacerbated by the higher level of the proposed houses, which would give the impression that they would be looking down onto the existing houses, with views over fences or most vegetation for example.
24. The appellant has mentioned the use of obscure glazing, but this would not be suitable for use with a habitable room.
25. It is agreed that in urban areas a degree of overlooking between properties can be expected, but in this case the degree of overlooking would be to an unacceptable level, even for an area such as this.
26. Due to the impacts to Nos 7 and 8 Old Bristol Road, the proposal is therefore contrary to policies CP14 and ES3 of the adopted Stroud District Local Plan, which require that there should be no unacceptable adverse effect on the amenities of neighbouring properties, and that there should be no unacceptable level of loss of privacy or an overbearing effect, amongst other things.

Rodborough Common SAC and the Cotswold Beechwoods SAC

27. The proposed dwellings would come into a zone where it could affect the Rodborough Common SAC and the Cotswold Beechwoods SAC. The Appellant has submitted a Unilateral Undertaking to address this issue. If I was to allow the appeal then I would require more information on this matter prior to undertaking an Appropriate Assessment. However, as the appeal is being dismissed, I have not pursued this matter further.

Planning Balance

28. The proposed houses would contribute towards housing supply for the town and district, on what appears to be previously developed land within the settlement boundary and in an accessible location. The development would be an efficient use of this land. There would also be other social and economic benefits through the development of houses at this site, which has been redundant for some time, and also future occupants supporting local businesses.

29. In this case, the proposals would be harmful to the character of the area and would have less than substantial harm to heritage assets. The proposed dwellings would also have an unacceptable level of overlooking into some neighbouring properties. This combined level of harm is significant. Furthermore, the proposed development is contrary to the aforementioned LP policies.
30. The Applicant states that the Council cannot demonstrate a five year housing land supply. However, overall, I find that the adverse impacts of the proposed development would significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework when taken as a whole, especially when factoring in the heritage harm identified.

Conclusion

31. For the reasons given above the appeal should be dismissed.

Mr S Rennie

INSPECTOR