



Appeal Decision

Site visit made on 21 May 2025

By G Powys Jones MSc FRTPI

an Inspector appointed by the Secretary of State

Decision date: 05 June 2025

Appeal Ref: APP/P1615/D/25/3362141

13 The Crypt, Dymock, Gloucestershire, GL18 2AL

- 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 N Hodges against the decision of The Forest of Dean District Council.
 - The application Ref is P1264/24/FUL.
 - The development proposed is the provision of dropped kerb and new vehicular access to front of property.
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Decision

1. The appeal is dismissed.

Main Issues

2. These are the effect of the proposals on: (a) the character and appearance of its surroundings, (b) pedestrian safety, and (c) the weight other material considerations attract.

Reasons

Character and appearance

3. The appeal property is a terraced dwelling set within the Crypt, which is a small self-contained residential estate sited on the fringes of the village. The Crypt is a cul-de-sac, with a short spur leading from the main road (B4215) and continuing northwards past some fronting dwellings to a battery of garages and open parking areas.
4. To the south of the estate the layout is one of dwellings encircling an attractive grassed open space, with a central mature tree and sitting area. As far as I could ascertain, none of these dwellings have car spaces within their curtilages and are accessed on foot. Those occupants who own cars rely either on the parking/garaging facilities already referred to, or park on-street.
5. One such dwelling is the appeal property. It faces the northern part of the open space. In summary, the applicant wishes to create an access across the open space from the highway and to create a parking space at the front of the house.
6. The Council objects to this on policy grounds since the open area affected by the proposed access is designated as an Important Open Space (IOS) in the Forest of Dean Allocations Plan (AP) and protected from development under the terms of policy CSP9 of the Forest of Dean Core Strategy (CS), a policy designed to protect

recreational and amenity land of value. The Council regard the proposal as materially affecting the character and appearance of the open area, and expresses concern that this proposal could be the thin edge of the wedge, since others on the estate may be tempted to pursue similar proposals were this appeal successful.

7. The appellant acknowledges the existence of the protective policies, but considers that the area of open space affected is minimal and the accessway could be constructed in materials, such as grasscrete, to ensure that it would not prove particularly noticeable. The Council's concern as to precedent is regarded by the appellant as 'speculative' since the proposal is directed to satisfying a specific medical need¹.
8. The original estate was designed on sustainable lines with a part separation of traffic and pedestrians with a view to creating an attractive environment for its residents. In this regard the open area contributes significantly to local amenity as I saw, and as testified by the representations of some of its residents. Whilst steps could be taken in the design to mitigate visual damage, notwithstanding the relatively small area concerned, I consider the creation of the access proposed would prove intrusive and harmful to local character. A potentially harmful precedent would be set as feared.
9. I conclude for these reasons that the development would be in conflict with CS policy CSP9 designed to protect amenity areas such as this from harm.

Highway and pedestrian safety

10. The Council's objection on this score is based on the highway authority's representations. In essence it is said that the shape and dimensions of the access are such that it does not comply with the guidance for parking spaces set out in Manual for Streets (MoS). The access would cross a footway, and would have insufficient manoeuvrability space and visibility, and would thus prove unsafe.
11. The appellant disputes these objections and considers them to be exaggerated. The reference to MoS is said to be applicable to standard parking layouts rather than residential driveways in a constrained urban setting, and the proposed layout is more than adequate to safely cater for the proposal.
12. I saw that two dwellings just to the north of the site had converted their front gardens to parking spaces and had inserted dropped kerbs. Accordingly, the provision of parking spaces in the front garden where a footway is crossed would not be unusual. However, those examples can be distinguished in that those spaces, unlike the proposed, are accessed from the street at right angles.
13. Because of the limitation on space in the appeal proposal, manoeuvring to and from the space would prove more awkward and difficult, and would involve crossing two sections of footway, probably diagonally. It is also probable at times that cars may reverse from the space and visibility in those circumstances would be far from ideal.
14. Such would be the awkwardness of the proposed access, due to its restricted space and the requirement for complicated manoeuvring, that I conclude that pedestrian safety would be put at increased risk. In such circumstances I consider

¹ A matter considered later in my decision

a precautionary approach to be justified. The proposal accordingly conflicts with provisions of AP policy AP4 in that it would not produce a safe and inclusive environment.

Other material considerations

15. The Act² requires me to determine the appeal in accordance with the development plan unless the material considerations indicate otherwise. I have found that the proposal conflicts with aspects of the development plan.
16. I note that the quest for this space has been pursued for a considerable time and has involved a pre-application submission; a previous planning application and site meeting with officials and local representatives including the Member of Parliament. In essence, the car space is said to be pursued to serve the needs of a disabled dependent living in the appeal dwelling.
17. The local authorities concerned do not appear unsympathetic to the need and an offer has been made to provide a dedicated disabled parking space in the highway close to the house. This has been rejected on the basis that it would not satisfactorily serve the specific needs of the dependent and would be impractical if the appellant invested in an electric vehicle in the future. I note too that the Council's approach to the second planning application is such that they 'factored' the need into its assessment.
18. There is no doubt in my mind that catering for the need of the disabled is a material consideration, and in many circumstances, it could attract significant weight. The problem for me is the complete absence of information, other than anecdotal, in respect of the disabled dependent. No medical information or independent assessment from an appropriately qualified person has been put before me to justify the need, and to convince me that there were sound reasons why the offer of a nearby disabled space was seemingly rejected.
19. I am therefore in a position where I am unable to properly assess or to arrive at a balanced judgment as to the weight that the perceived need should attract. Based on the sparse information provided, it attracts insufficient weight to justify a departure from development plan policy.

Other matters

20. All other matters raised have been considered and taken into account, including the references to the *National Planning Policy Framework*. The Parish Council's objection is also noted.
21. Other development plan policies were also referred to, but I consider those to which I have referred to be the most relevant having regard to the main issues identified.
22. No other matter is of such strength or significance as to outweigh those considerations that led to my overall conclusions.

Overall conclusions

23. I find the proposal to conflict with the development plan in respect of the first two main issues. Insufficient information has been provided to determine the level of

² The Town & Country Planning Act 1990 (as amended)

weight to be given to a material consideration, the needs of a disabled person. In these circumstances the provisions of the development plan should prevail.

24. Accordingly, the appeal is dismissed.

G Powys Jones

INSPECTOR