



Appeal Decision

Site visit made on 27 February 2025

by **O Tresise MSc MA MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 06 June 2025

Appeal Ref: APP/P1615/W/24/3355169

Lynwood, Highfield Road, Gloucestershire, Bream GL15 6JB

- 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 A Symonds against the decision of Forest of Dean District Council.
 - The application Ref is P0281/24/FUL.
 - The development proposed is described as: 'The erection of one dwelling and associated works.'
-

Decision

1. The appeal is dismissed.

Preliminary Matters

2. Since the appeal was lodged, the National Planning Policy Framework (the Framework) has been revised, including the changes to Paragraph 11 and the introduction of the standard method for calculating housing land supply. In addition, the Appellant has suggested that the Council's Housing Land Supply position has changed. Both main parties had an opportunity to comment on this matter. I have taken the contents of the revised Framework into account in coming to my decision.
3. During the appeal the appellant provided a decision notice for a recently approved scheme for the demolition of an existing garage and the erection of an annex (Planning application ref.: P1516/24/FUL). Both main parties also had an opportunity to comment on this information.

Main Issue

4. The main issue is the effect of the proposed development on the character and appearance of the area.

Reasons

Character and Appearance

5. The appeal site comprises a single storey detached garage set within garden land associated with the nearby property of Lynwood. Lynwood and a small number of properties are located on higher land above the appeal site. They form a cluster of buildings that make up the northern extent of built development comprising dwellings along this part of Highfield Road. The garage on the appeal site is a modest structure with a shallow pitched roof that sits at a lower land level. When viewed from Highfield Road it assumes a low-key appearance in the context of the larger more elevated properties nearby. Notwithstanding the presence of Lynwood, the garage is surrounded by garden land, open green spaces and woodland in

most directions. Accordingly, the appeal site forms an important and distinctive transitional area between the larger buildings on higher land to the south and the undeveloped woodland and green spaces beyond.

6. The area is situated within the 'New Road Bream' Locally Distinctive Area (LDA). The Keynote for the LDA states that the area is characterised by dwellings located within large plots, adjoining the minor road which criss-cross the landscape. In terms of layout, the LDA states that the density is low and permeability through the settlement in this area is high. Open areas, according to the Keynote, also combine with the character of the LDA in a composite manner to reinforce the openness of these areas of the settlement. Whilst the LDA covers a quite large area, the appeal site and surrounding area generally follows this description of the LDA.
7. The appellant's Landscape Statement suggested that the proposal would not negatively impact on the character and appearance of the area, with potential for enhancement at a site level with the introduction of high-quality architecture. The proposed 3-bedroom dwelling would be smaller and shorter in height than the previously dismissed scheme (Appeal Ref.: APP/P1615/W/22/3291154, dismissed on 15 June 2022), while having a traditional cottage appearance and complimentary materials.
8. However, the dwelling would comprise two-floors of accommodation and appear appreciably larger than the existing garage. It would have a cramped and intensive appearance positioned tight to the boundary facing the open land to the north and contained by retaining walls a short distance from its side and rear elevations. Furthermore, given its elevated position and being immediately next to open fields, the proposal would create a dominant feature that would undermine the established character of the site and diminish its distinctive appearance as an area of land between the two storey dwellings to the south and the surrounding land. The proposal would therefore erode the contribution the site makes to the LDA and appear as a discordant element along this part of Highfield Road.
9. Therefore, the proposed development would have an unacceptable effect on the character and appearance of the surrounding area. This would be contrary to Policy CSP.1 of the Core Strategy (CS), Policies AP4, AP5 and AP6 of the Allocations Plan (AP). Taken together, these seek that development is designed to the highest standard, complement the established character of the area and to respect the character of the locally distinctive areas.

Other material considerations

10. The appellant sets out that there is a fallback whereby there would be an annex on the appeal site, which was recently approved by the Council. As there is an intention to reside at the site, I agree that the fallback has a real prospect of being implemented. However, the consented annex has one bedroom within a single storey building that would be occupied as ancillary accommodation to the existing dwelling at Lynwood, not as a separate dwelling. Furthermore, the ridge height of the consented annex is lower than the appeal scheme, and it would have a less adverse effect on the character and appearance compared to the appeal scheme, taking into consideration the scale of the surrounding properties and the distinctiveness of the area. I therefore do not consider that the consented scheme is directly comparable, and the fallback is a different scheme that in my judgement

would be considerably less harmful than the appeal proposal. As a result, the approved annex can only carry limited weight.

11. The appellant has mentioned about another property nearby along Highfield Road, with regard to the scale and density of the permitted building. Whilst I do not know the circumstances under which it was constructed, I do not consider that is directly comparable to the proposal because it is related to an extension and redesign of an existing property, and it does not change my conclusion on this main issue.
12. Set against the harm, the proposal would deliver a net gain of one new self-build dwelling providing an accommodation for a family within an identified settlement boundary and it would potentially be delivered quickly. There would be temporary and ongoing economic benefits due to the construction of the site and ongoing domestic expenditure in the locality. There would also be some environmental benefits associated with the installation of solar panels, porous hard surfacing, new planting and biodiversity enhancement. However, the addition of one dwelling would be modest in scale, I therefore attached limited weight to the combination of these benefits.
13. The Council did not refuse permission in respect of other matters, including highway safety, living conditions, waste, flood risk and drainage. On the evidence before me, I have no substantive reasons to reach a different conclusion in respect of any of these matters. The absence of harm in these respects means they are neutral factors in planning balance.

Planning Balance

14. The appeal proposal would harm the character and appearance of the area by virtue of its intrusive form relative to the surrounding area. I have judged the magnitude of the harm as significant.
15. The Core Strategy and the Allocations Plan were adopted in 2012 and 2018 respectively, but the weight to be attached does not hinge on their age. Paragraph 232 of the Framework makes it clear that due weight should be given to existing policies according to their degree of consistency with the Framework. According to the Framework the creation of high quality and sustainable buildings and places is fundamental to what the planning development process should achieve. It also seeks that developments are sympathetic to local character and are visually attractive in terms of good architecture and layout. Therefore, the conflict between the proposal and Policy CSP.1 of the adopted Core Strategy and Policies AP4 and AP6 of the Allocations Plan should be given significant weight in this appeal. As the proposal would be contrary to the policies referred, there would a conflict with the development plan as a whole.
16. The appellant suggested the Council's Housing Land Supply position has changed from 3.32 years to 1.83 years. The Council does not dispute the appellant's position on the revised figure. In this instance, the shortfall is judged to be considerable. In these circumstances footnote 8 of the National Planning Policy Framework establishes the policies which are most important for determining the application are deemed out-of-date. Consequently, permission should be granted unless any adverse impacts would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole, having particular regard to key policies that include securing well-designed places.

17. As described above the benefits associated with one additional dwelling would be minor even taking account of the objective of boosting significantly the supply of housing in the Framework and the Council's housing land supply position. The Framework states that good design is a key aspect of sustainable development, creating better places in which to live and work and helps make development acceptable to communities. It also gives significant weight to development that is sympathetic to local character and history including the surrounding built environment and landscape setting.
18. Consequently, the adverse effects of the proposal, taking into account the size of the plot, the topography of the site and the intrinsic character and the distinctiveness of the area, would significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework taken as a whole. As a result, the presumption in favour of sustainable development does not apply.

Other Matters

19. I have considered the need for additional accommodation for the appellant's family and the amount of support received, which have been indicated, as age-related. Accordingly, I have had due regard to the Public Sector Equality Duty (PSED) contained in section 149 of the Equality Act 2010, which requires me to consider the need to eliminate unlawful discrimination, harassment and victimisation, and to advance equality of opportunity and foster good relations between people who share a protected characteristic and people who do not share it. Protected characteristics include a person's age.
20. In this regard, the proposed development may provide a self-build dwelling for the appellant and their family. Notwithstanding this important consideration, it does not follow from the PSED that the appeal should succeed, particularly, as there are other means by which family support needs may be addressed, without resulting in the harm identified above, in respect of character and appearance of the area. Balancing these effects with the appellant's need for the development, I am satisfied dismissing the appeal would be a proportionate response in this case.

Conclusion

21. The proposal would conflict with the development plan as a whole and the material considerations, including the Framework, do not indicate that the appeal should be decided other than in accordance with it. Therefore, for the reasons given above the appeal should be dismissed.

O Tresise

INSPECTOR