



Appeal Decision

Site visit made on 6 May 2025

by Tamsin Law BSc MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 12th June 2025

Appeal Ref: APP/G1630/W/25/3361682

151 Ermin Street, Brockworth, Gloucester, Gloucestershire, GL3 4HQ

- 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 O Elbanna against the decision of Tewkesbury Borough Council.
 - The application Ref is 24/00970/FUL.
 - The development proposed is the erection of a new dwelling in the rear garden of 151 Ermin Street to be used for assisted living purposes.
-

Decision

1. The appeal is dismissed.

Main Issue

2. The main issue is the effect of the proposed development on the living conditions of both existing and future occupiers with regards to private space.

Reasons

3. The appeal site comprises a single storey dwelling and associated front and rear gardens and parking area. The proposed development would subdivide the existing plot with a single dwelling and associated outdoor space located to the rear of the site.
4. The proposed dwelling would be located adjacent to the rear boundary of the site, as such all the private outdoor space would be located to its front. The open space would comprise a small patio and sensory garden area. A sensory garden area would also be provided to the front of the existing building, which would also have a patio area to the rear.
5. Policy SD4 of the Gloucester, Cheltenham and Tewkesbury Joint Core Strategy (2017) (JCS) states that new development should enhance comfort, convenience and enjoyment through assessment of the external space. LCS Policy SD14 goes on to state that developments should protect and seek to improve environmental quality.
6. These policies do not contain specific measurements for outdoor space, nevertheless they do require developments to enhance and improve environmental quality. The proposed development would involve the construction of a dwelling in the rear garden of the host dwelling, No 151 Ermin Street, The plans detail a small patio area would be provided to the rear with a sensory garden to the front, adjacent to the parking area. The proposed dwelling would have a small patio and sensory garden to its front.

7. The proposed development would significantly reduce the rear garden space for the existing dwelling and only provide a very small area of open space for the proposed dwelling. This would harmfully impact the opportunities for existing and future residents to enjoy the private amenity space. Further, the passing of vehicles and residents along the access to the proposed dwelling would disrupt the peaceful enjoyment of the outdoor space of the existing dwelling. This would neither enhance comfort nor improve the environmental quality of the open space.
8. The appellant has referred to nearby developments where there are smaller private outdoor spaces. I do not have full details of these to understand the full circumstances. In any event I have dealt with this appeal on its own merits.
9. Whilst the appellant may wish for the proposed development to accommodate vulnerable adults or the elderly who may prefer smaller garden areas, the appeal has been submitted as an open market dwelling with no restriction on occupancy. As such, I see no reason why substandard outdoor space should be justified.
10. I therefore conclude that the proposed development would not provide satisfactory living conditions for existing and future occupants with particular reference to the provision of outdoor garden space. The proposed development would therefore run contrary to JCS Policies SD4 and SD14 which seek to ensure that developments to improve environmental quality.

Other Matters

11. The Council cannot demonstrate a five year housing land supply. I am therefore taken to paragraph 11 (d) of the National Planning Policy Framework. The provision of a dwelling would contribute to the Council's housing land supply. There would be social and economic benefits from future occupants and from its construction, however these would be limited due to the small scale of the development.
12. I have found that the proposed development would harm the living conditions of both existing and future residents with regards to open space. This harm is contrary to both local and national planning policies. I attach significant weight to this harm, which would be long lasting.
13. In light of the above, the harmful impact of granting planning permission would outweigh the benefits.

Conclusion

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

Tamsin Law

INSPECTOR