



Appeal Decision

Site visit made on 24 January 2025 by R Parker

Decision by S Edwards BA MATCP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 18 June 2025

Appeal Ref: APP/P1615/D/24/3351154

Silverwood House, Main Road, Woolaston, Gloucestershire GL15 6PJ

- 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 Christopher Brieger against the decision of Forest of Dean District Council.
 - The application Ref is P0387/24/FUL.
 - The development proposed is described as 'Summer house ancillary to the main property.'
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Decision

1. The appeal is dismissed.

Appeal Procedure

2. The site visit was undertaken by a representative of the Inspector whose recommendation is set out below and to which the Inspector has had regard before deciding the appeal.

Preliminary Matters

3. A new version of the National Planning Policy Framework (the Framework) was published in December 2024. Whilst I have had regard to the revised national policy as a material consideration, planning decisions must still be made in accordance with the development plan unless material considerations indicate otherwise. In this instance, the issues most relevant to the appeal remain unaffected by the revisions to the Framework. I am therefore satisfied that there is no requirement to seek further submissions on the revised Framework, and that no party would be disadvantaged by such a course of action.
4. Concerns have been raised by interested parties regarding the siting of the proposed development in relation to the curtilage of the appeal property. It has been considered as within the curtilage by the Council for the determination of the planning application subject to this appeal, and there are no reasons for me to reach an alternative view.

Main Issues

5. The main issues are:
 - The effect of the proposal on the living conditions of neighbouring occupiers at 'The Ruffetts', with particular regard to outlook; and
 - The effect of the proposal on the character and appearance of the surrounding landscape.

Reasons for the Recommendation

Living Conditions

6. The proposed development would be positioned within proximity to the boundary shared with the neighbouring dwelling 'The Ruffetts'. Both properties are in good-sized plots, in keeping with their rural situation, and the current relationship between them is spacious and open.
7. I assessed the proposal from The Ruffetts and noted that due to the orientation of this neighbouring property, the rear elevation faces directly onto the boundary shared with the appeal site, where the proposed summerhouse would be constructed. This elevation includes several windows serving habitable rooms, thus representing a very important outlook for this property's occupiers. Despite the plot being generous in size, it is apparent that the occupiers of The Ruffetts use the patio and grassed area directly to the rear of the dwelling, and adjacent to the shared boundary, as an intrinsic part of their enjoyment of the property.
8. As a result of its siting, excessive scale and, particularly, its height, the proposed development would drastically curtail the current openness of outlook afforded to the occupiers of The Ruffetts – both house and garden – at this position. The volume, massing and height of the proposed building would result in an imposing and overbearing feature. This would be visually intrusive, thus adversely affect the living conditions of these neighbouring residents and their enjoyment of their property and rear garden area.
9. Furthermore, due to the scant topographical details on the proposed plans, I cannot be certain that the gradient shown accurately reflects the changes in level which I observed as part of my site visit. The lack of clarity regarding the accuracy of the intended ground level for the proposed building adds to my concerns regarding the impact the development would have on the occupiers of the neighbouring property.
10. The proposed summerhouse would protrude significantly above the 2 metre high screen mentioned by the appellant. Although additional soft landscaping could assist in mitigating the visual impact of the development, I have not been provided with sufficient details to demonstrate whether such landscaping could satisfactorily overcome the identified harm. Therefore, I cannot be satisfied that this would mitigate the impact the development would have on the living conditions of the occupiers of The Ruffetts. In any event, it would likely take a considerable length of time before any landscaping could provide effective screening, and in the meantime the development would have a persistent adverse effect on these residents.
11. Given the above, the proposed development would cause unacceptable harm to the living conditions of the neighbouring occupiers of The Ruffetts, with particular regard to the outlook from their property and rear garden. Therefore, it conflicts with Policy AP.4 of the Forest of Dean District Council Allocations Plan 2006 to 2026 - Adopted June 2018 (AP), which notably expects new development to respect the amenity of residents and others.
12. However, I find no conflict with CS Policy CSP.1 of the Forest of Dean District Council Core Strategy (Adopted 2012) (Core Strategy), which relates to design, environmental protection and enhancement, but does not reference the living conditions of occupants or neighbours. The Forest of Dean Residential Design Guide (1998) pertains to larger-scale residential development and does not cover

issues relating to living conditions at a householder scale. The appeal proposal does not, therefore, conflict with its advice.

Character and Appearance

13. The appeal site lies within a rural area which includes a small collection of residential and agricultural buildings, which are mixed in style and appearance. The surrounding area is otherwise predominantly characterised by open fields. The residential nature of the appeal site is clearly evident, with the host dwelling and its immediate surroundings displaying a domestic character. Nevertheless, the appeal site also shows evidence of a past as a working farm, and more modern agricultural buildings and structures, such as a very large, corrugated barn, a shipping container, a large steel-frame shed (which was under construction at the time of my site visit) and a ground-situated solar array, can be found nearby.
14. In this context, the stylistic elements and design of the proposal, which would echo modern agricultural buildings, have sought to reflect its rural surroundings. Since it would sit within the bounds of the existing cluster of buildings and would reflect the semi-agricultural nature of its surroundings, the appeal building would not, despite its scale, appear unduly prominent or detract from the character and appearance of this open and rural landscape, particularly as there would be no more than glimpses of the development in public views.
15. Given the above, the proposal would not adversely affect the character and appearance of the surrounding landscape. The appeal proposal thus does not conflict with CS Policy CSP.1, which requires new development to take into account important characteristics of the environment and conserve, preserve or otherwise respect them in a manner that maintains or enhances their contribution to the environment, including their wider context. Furthermore, the appeal scheme does not conflict with AP Policies AP.1 and AP.4. These notably seek to ensure that new development makes a positive contribution to the design quality of the area in which it is proposed.

Other Matters

16. In reaching these conclusions, I have had regard to the information that was submitted to justify the height and roof pitch of the summerhouse, notably to incorporate solar panels which would assist with producing renewable energy for the 'off-grid' structure and reducing carbon emissions. Such aspirations are clearly supported by the Framework. Additional details have also been provided to justify the size of the proposed summerhouse, which is required for the storage of garden equipment and domestic paraphernalia, and for use as a gym. I acknowledge that this would have benefits for the appellants and, in particular, their wellbeing.
17. However, I have been presented with insufficient evidence to demonstrate that there are no other options for achieving similar benefits available. For example, it is not clear to me that solar panels could not be integrated elsewhere, enabling a reduction in the scale of the proposed structure whilst minimising adverse effects on the living conditions of neighbouring residents. This limits the weight which can be ascribed to these considerations.

Conclusion and Recommendation

18. Whilst I have found no harm in relation to the surrounding landscape, this is outweighed by the adverse impact which the development would have on the living conditions of neighbouring residents. There are no material considerations which indicate that the appeal should be determined other than in accordance with the development plan. For the reasons given above and having had regard to all other matters raised, I recommend that the appeal should be dismissed.

R Parker

APPEAL PLANNING OFFICER

Inspector's Decision

19. I have considered all the submitted evidence and my representative's recommendation and on that basis the appeal is dismissed.

S Edwards

INSPECTOR