



Appeal Decision

Site visit made on 24 June 2025

by **R J Redford MTCP MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 18th July 2025

Appeal Ref: APP/C1625/D/24/3352519

37 Thrupp Lane, Thrupp, Stroud, Gloucestershire GL5 2ER

- 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 Jamie Lewis against the decision of Stroud District Council.
 - The application Ref is S.24/0760/HHOLD.
 - The development proposed is the extension to dwelling and replacement garage and associated works.
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Decision

1. The appeal is dismissed insofar as it related to the replacement garage. The appeal is allowed, and planning permission is granted insofar as it related to the extension of the dwelling at 37 Thrupp Lane, Stroud GL5 2ER in accordance with the terms of the application, Ref S.24/0760/HHOLD, subject to the conditions in the attached schedule.

Preliminary Matters

2. For the following reasons, the extension of the dwelling acceptable, and is clearly severable both physically and functionally from the proposed replacement garage. Therefore, I intend to issue a split decision in this case and grant planning permission for the extension to the host dwelling.
3. It is noted that the Council has concerns relating to the accuracy of the submitted sectional plans. From observations on site, I am in agreeance with this, specifically in relation to the representation of the neighbouring property Solstice. These have not, therefore, been determinative in this decision.

Main Issues

4. The main issues are the effect of the proposed development on the character and appearance of the host dwelling and surrounding area; and the living conditions of the occupants of the adjacent properties with specific regard to outlook and privacy.

Reasons

Character and appearance

5. Thrupp Lane cuts across a relatively steep valley side. The properties along the road are positioned to follow the general topography of the land, the majority of which make the most of the views over the valley beyond. The houses are generally individual in design, a mix of heights and positioned relatively close together. Although due to the established nature of the properties there are often

mature hedges and trees along the boundaries between them. This means the area's character and appearance is semi-rural and verdant.

6. The host dwelling is a detached, single storey building with a pitched roof. It is set towards the back of the appeal site with a garden, garage, outbuilding, and parking area between it and Thrupp Lane. The proposed extension of the host dwelling would include a new first floor to the rear portion of the building, a small rear porch, and the replacement of the remaining existing roof with a green roof. The existing garage and outbuilding would be replaced with a new garage which would also include a workshop.
7. The proposed extension would not alter the position of the host dwelling within the appeal site and would create a building of a form and proportions similar to many other properties in the area. The proposed use of cladding and render would also not be out of character when considered other exterior materials used locally.
8. The proposed rear elevation of the host dwelling would be relatively plain with few features. However, due to the steep slope behind and mature planting along the boundary this would not be so visible as to harm the overall character and appearance of the area. The green roof would also ensure the overall bulk of the front section of the host dwelling would be visually less intrusive when viewed from Thrupp Lane.
9. As such, with the retention of existing boundary planting and trees, along with a well-considered landscaping design, both of which could be conditioned, the proposed extension of the host dwelling would not harm the character and appearance of the area. This element of the proposal would therefore accord with the Stroud District Local Plan (LP) Policies HC8 and CP14 insofar as they require new development to respect the character of the original dwelling and its setting.
10. Turning to the proposed replacement garage, its position down the slope beyond the garden of the host dwelling, would ensure it did not overwhelm the host dwelling. However, although similarly located to the existing garage and outbuilding, its bulk and height would make it substantially more visible from the surrounding area. Due to its location close to the road edge and elevated position it would not respect the form of development prevalent along this part of Thrupp Lane and would be unduly dominant within the street scene.
11. It is recognised there are examples of outbuildings positioned close to the road edge, but along this part of the lane they are generally modest, low buildings. The pitched roof garage at 39 Thrupp Lane is noted, but this is set further back from the road edge and considerably smaller than that proposed. Accordingly, the proposed replacement garage would harm the character and appearance of the area and fail to comply with LP Policies HC8 and CP14.

Living conditions

12. The appeal site is surrounded by 4 properties. Solstice, 29 and 39 Thrupp Lane are behind the appeal site at a higher level, whilst 27 Thrupp Lane is set further forward closer to the road.
13. The Council has found the proposal would not harm the living conditions of the occupants of No 39 and there is nothing before me to conclude otherwise. This

would also be the case for No 29, due to its single storey height, the topography of the area and its orientation in relation to the appeal site and road.

14. Due to the orientation and relationship between the appeal property and No 27, the proposal would also not harm the outlook or access to light for the occupants of that property. For the same reasons this would also be the case in relation to privacy and access to light for the occupants of Solstice.
15. The proposed first floor extension would, however, include a bedroom window which would overlook the rear of No 27 and its garden. The boundary treatment between both properties would provide some screening, but a condition to ensure this window would be obscure glazed and have limited opening, would ensure no harm to privacy would occur. This would be an acceptable course of action as the window in question would be secondary to the room it serves and so such limitations would not be detrimental to future occupants' use of that room. The proposal would not therefore harm the living conditions of the occupants of 27 Thrupp Lane.
16. Solstice is located to the rear of the host dwelling and the main rooms are positioned so that the windows face out over the appeal site. It also has a large balcony in front of those windows and an area of garden between the house and appeal site boundary. Due to the width of the rear portion of the host dwelling, the proposed first floor extension would create a solid mass along much of the shared boundary so would be visible from Solstice. This would alter the outlook for the occupants of Solstice but due to its size and amount of outdoor space, this would not be to such an extent as to make living conditions for occupants of Solstice untenable.
17. Therefore, the proposal would comply LP Policy ES3 insofar as it requires new development to not result in an unacceptable level of impact on neighbouring occupants.

Other Matters

18. It has been identified that the appeal site is within proximity of 5 Grade II listed buildings¹ (the LBs). Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 as amended, requires special regard to be given to the desirability of preserving the setting of listed buildings, as heritage assets. The appeal site is also within the Cotswolds National Landscape (NL). National Landscapes are designated for the purposes of conserving and enhancing natural beauty and Section 85(1) of the Countryside and Rights of Way Act 2000 places a duty upon me to further these purposes in this decision.
19. However, the Council has not objected on either of these grounds, concluding that the separation between the appeal site and the LBs would ensure no harm to their setting, and that the special qualities of the NL would not be adversely affected. There is nothing before me to conclude otherwise and would constitute a lack of harm. This would also be the case in relation to highway safety and parking. Nevertheless, a lack of harm, by definition, can not weigh for or against a proposal.

¹ 52 Thrupp Lane (Reference 1267383); The Thrupp (Reference 1223144); 62 Thrupp Lane, otherwise known as Marlyn House and Thrupp Cottage (Reference 1267383); Tanglewood, otherwise known as 49 Thrupp Lane (Reference 1267458); and Thrupp Farmhouse (Reference 1223146)

20. The planning application associated to this appeal was submitted post 2 April 2024 therefore the Biodiversity Net Gain Regulations must be applied. However, as householder development² this scheme would be exempt.
21. The redevelopment of 68 and 93 Thrupp Lane has been noted. These simply serve to confirm that each case should be considered carefully on its own merits.
22. The main parties have considered the proposal against permitted development rights. However, I am required to consider the scheme as submitted and not that which could be submitted under through the prior approval procedure.

Conditions

23. The Council and appellant has suggested various conditions. These have considered these against advice in the National Planning Policy Framework (the Framework) and Planning Practice Guidance. As a result, they have been amended for consistency and clarity.
24. In addition to securing commencement within the relevant statutory timeframe, the imposition of conditions requiring adherence to the approved plans and that materials and landscaping should first be agreed with the Council would ensure the proposed extension to the host dwelling would integrate acceptably within the character and appearance of the area (conditions 1, 2, 4, and 6).
25. Condition 3 is imposed to protect and enhance biodiversity on the site, and conditions 5, 7 and 8 to protect the living conditions of neighbouring occupants. However, it has been necessary to alter the wording of conditions 7 and 8 to ensure they are enforceable and to take account of the differing wording suggested by the main parties.
26. Conditions 4 and 5 are required to be pre-commencement as it is fundamental to have these details agreed upfront prior to any works commencing on the appeal site, and the Appellant has agreed to this.
27. The Council proposed 2 conditions relating to the replacement garage and 1 relating to an additional ecologist report. Whilst the appellant suggested a condition relating to contamination. However, none of these are necessary, as the replacement garage is unacceptable, the recommendations in the Bat Survey Report are sufficiently detailed to ensure compliance, and there is nothing before me to suggest the site is contaminated.

Conclusion

28. For the reasons given above and having considered the development plan along with all other relevant material considerations including the approach in the Framework, I conclude that the appeal should be allowed insofar as it relates to the extension of the dwelling and dismissed insofar as it relates to the replacement garage.

RJ Redford

INSPECTOR

² as defined under Article 2(1) of the Town and Country Planning (Development Management Procedure) (England) Order 2015 (as amended)

SCHEDULE OF CONDITIONS

- 1) The development hereby permitted shall begin not later than three years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans as far as they are relevant to the extension of the dwelling, and all elements regarding the replacement garage are disregarded: 22.1530/00; 22.1530/05; 22.1530/06 and 22.1530/07.
- 3) The development hereby permitted shall be carried out in full accordance with the recommendations contained in the Bat Survey Report (ATW Ecology, June 2023).
- 4) No development shall commence until details of both hard and soft landscaping have been submitted to and approved in writing by the local planning authority. The details shall include but are not limited to all existing trees and hedgerows on the land, identifying those to be retained and measures for their protection throughout the course of development, and an implementation programme.
The landscaping shall then be carried out in accordance with the approved implementation programme.
- 5) No development shall commence, including any works of demolition, until a Construction Method Statement has been submitted to, and approved in writing by the local planning authority. The Statement shall provide for, but is not limited to:
 - i) the parking of vehicles of site operatives and visitors;
 - ii) loading and unloading of plant and materials;
 - iii) storage of plant and materials used in constructing the development;
 - iv) measures to control the emission of dust and dirt during construction; and
 - v) delivery, demolition, and construction working hours.The approved Construction Method Statement shall be adhered to throughout the construction period for the development.
- 6) No development above ground level shall take place until details of the materials to be used in the construction of the external surfaces of the extensions hereby permitted have been submitted to and approved in writing by the local planning authority. The development shall then be carried out in accordance with the approved details.
- 7) The extension hereby permitted shall not be occupied until the first-floor windows in the west elevation (as identified on plan 22.1530/07) has been fitted with obscured glazing, and no part of that window that is less than 1.7 metres above the floor of the room in which it is installed shall be capable of being opened. Details of the type of obscured glazing shall be submitted to and approved in writing by the local planning authority before the window is installed and once installed the obscured glazing shall be retained thereafter.
- 8) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking and re-enacting that Order with or without modification), no windows/dormer windows other than those expressly authorised by this permission shall be constructed above ground floor level.

END OF SCHEDULE