



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: 29 August 2025

Appeal Ref: APP/C1625/W/24/3351589

Land off, Bear Street, Wotton Under Edge, Gloucestershire, GL12 7DE

- 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 Ms R Brain against the decision of Stroud District Council.
 - The application Ref is S.24/0550/FUL.
 - The development proposed is Proposed 2 No. one-bedroom cottages semi-detached.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are;
 - the effect of the proposed development on the living conditions of nearby residents, with particular regard to overlooking;
 - whether the proposed development provides adequate living conditions for future occupiers with regards to internal space;
 - the effect of the proposed development on highway safety;
 - the effect of the proposed development on biodiversity; and
 - the effect of the proposed development on the character and appearance of the area with particular regard to the setting of nearby Grade II listed buildings and the Wotton Under Edge Conservation Area (CA).

Reasons

Living Conditions – Existing Residents

3. Rear facing windows of properties along High/Lond Street, and in particular No's 3 and 5 High Street, face toward the appeal site. Due to the relatively undeveloped nature of the rear of buildings the occupiers of existing dwellings therefore benefit from a private open garden space consistent with prevailing levels of privacy here and would have a reasonable expectation that this would be preserved.
4. The proposed development would introduce two dwellings whose primary elevation would be orientated towards the rear of No's 3 and 5. Its front windows would serve a lounge and bedroom in each dwelling and would be located within 20 metres of the rear facing windows in No's 3 and 5. Whilst, windows would be offset, there would be opportunities from first floor windows for views towards the existing

dwellings. During my site visit, I had clear views above the boundary treatments of the rear facing windows.

5. Due to this minimal distance the proposed dwellings would overlook the rear facing windows and rear gardens of No's 3 and 5 and would result in future occupiers suffering from a lack of privacy in their home and garden. I consider that, as the first-floor windows are to a bedroom, a condition requiring this window to be obscure glazed would be harmful to the future occupiers.
6. The proposed development would have an unacceptable effect upon the living conditions of neighbouring occupiers in terms of privacy. The proposal would therefore conflict with Policies CP14 and ES3 if the Stroud District Council Local Plan (2015) (LP) which seek to ensure that developments do not result in an unacceptable level of loss of privacy. It would also conflict with the guidance contained within the Stroud District Residential Design Guide (2000) (RDG).

Living Conditions – Future Occupiers

7. The proposed development would result in the construction of two dwellings with a floorspace of would involve the conversion of a redundant garage building to a single storey dwelling that would have a gross internal floor area of approximately 37.74 square metres. The proposed floorplans detail a lounge and kitchen/diner to the ground floor and a bedroom and shower room to the first floor of each dwelling.
8. The appellant contends that the proposal meets the minimum gross internal floor area requirements. The Nationally Described Space Standards (NDSS) are a material planning consideration and set out a standard for internal space within new dwellings. For a single storey, 1 bedroom, 1 person dwelling with a shower room, the NDSS sets a minimum floor space of 37sqm. However, the proposed development is for two-storey dwellings, it should therefore be considered against the relevant minimum standards for a 1 bedroom, two-person dwelling, which has a minimum gross internal floor area requirement of 58 square metres. Accordingly, the proposal falls well below the relevant minimum standard set out by the NDSS and would provide cramped and insufficient space for potential future occupiers. In reaching this view, it is recognised that the proposed dwelling may only be occupied by a single person, however, this cannot be ensured.
9. I find that the proposed dwelling would be served by insufficient internal living space, which would result in unacceptable living conditions for potential future occupiers. The proposed development therefore fails to comply with LP Policies ES3 and ES12 which seek to ensure that the design and layout of new development is well designed, high quality and contributes to sustainable living.

Highway Safety

10. The appeal site is accessed through a narrow pedestrian access located between No's 3 and 4 Bear Street. During my site visit I noted that Bear Street is a busy road with traffic regularly moving along it, in particular to use the petrol station on the opposite side of the street. Whilst there was on street parking available, this was limited.
11. LP Policy CP3 sets out the Council's settlement hierarchy. It identifies Wotton under Edge as a Local Service Centre – Second Tier. It states that these have the

ability to support sustainable patterns of living because of their current levels of facilities, services and employment opportunities.

12. The appellant asserts that due to its classification as a second-tier settlement Wotton under Edge has good infrastructure and public transport. They go on to state that due to the level of facilities within the settlement there would be little need to use a private vehicle as these can be accessed on foot.
13. Nevertheless, what I saw during my visit was limited on street parking on nearby roads. The appeal site is located close to a number of junctions and a pedestrian crossing, thus pressures on on-street parking could lead to cars being parked in locations that would pose a risk to highway and pedestrian safety.
14. Whilst future occupiers may not own a car, I have not been provided with any mechanism that would restrict car ownership. A car park is located off Gloucester Road, a short distance from the appeal site, however I have not been provided with details as to whether this could be used by residents for long term parking. I have had regard to the comments made by the Highways Authority who have no objection subject to conditions however these do not provide certainty regarding parking pressures in the area.
15. In the absence of any parking and taking account of the existing parking pressures on nearby roads, the proposed development would have a harmful impact on highway safety. The development would conflict with LP Policies CP8, HC1 and ES12 which seek to ensure that developments have a layout, access, parking that are appropriate to the site and its surroundings.

Biodiversity

16. Paragraph 187 of the Framework refers to amongst other things, protecting and enhancing sites of biodiversity, and minimising impacts on and providing net gains for biodiversity. Paragraph 193 indicates that if significant harm to biodiversity resulting from a development cannot be avoided, adequately mitigated or as a last resort, compensated for, planning permission should be refused.
17. The Planning Practice Guidance states that an ecological survey will be necessary in advance of the planning application if the type and location of development could have a significant impact on biodiversity and existing information is lacking or inadequate.
18. The appeal site is located within 500 metres of the Wotton Hill Site of Special Scientific Interest (SSSI) and the Coombe Hill (SSSI). During my site visit I noted that the appeal site was overgrown and has an area of well-established landscaping and boundary hedgerows to the north. An up-to-date survey has not been undertaken for the proposed development and the appeal relies on a 2021 Ecological Assessment that was undertaken for a previous scheme at the site. While the appellant argues that the survey is sufficient to fully understand the impact of the development on biodiversity interests, based on the landscaping and vegetation I saw on site I am not convinced that this is the case.
19. The surveys carried out does not provide the necessary certainty that further biodiversity development has not occurred nor that these proposed could be mitigated. Accordingly, I conclude that it has not been demonstrated satisfactorily whether any biodiversity interests which may be present would be adequately

protected and the extent to which they may be affected by the proposed development.

20. For the reasons outlined above I conclude that it has not been demonstrated that the scheme would avoid or adequately mitigate unacceptable harm to biodiversity. The scheme would therefore conflict with LP Policy ES6 which seeks to ensure that developments conserve and enhance the natural environment.

Character and appearance and Conservation Area

21. The appeal site is located within the CA, the significance of which is derived from its importance as a historic market town, the historic townscape and architectural heritage found in the long rows of vernacular development lining Bear Street, Haw Street, Bradley Street and High Street/Long Street. Whilst the area has been developed over time, such as then construction of a petrol station on Bear Street, factors that are still legible are the layout of the streets, public spaces and former burgage plots to the rear of buildings which positively contribute to the character and appearance of the CA,
22. Many of the nearby buildings are Grade II listed buildings. The significance and special interest of these are, in part, drawn from their surviving historic fabric and architectural qualities as examples of an 17th, 18th and 19th century town buildings. The use of sash and casement windows and painted brick and rendered walls contribute to the architectural interest of the buildings. The listed buildings do not appear to be served by, or connected to, the former burgage plot.
23. The area is characterised by terraces of two, three and four-storey buildings fronting on to the highway, mainly residential in use or with commercial uses to the ground floor and residential use above. There is much variation in the design of buildings which have been developed over time, albeit there is a general consistency in that buildings are finished in painted brick or render under a slate roof.
24. The appeal site is part of the back land area to properties along Bear Street and High/Long Street, characterised by great variety of rear extensions and outbuildings constructed as ad hoc, ancillary and functional adjuncts to the frontage buildings. There are also a number of open areas, including appeal site, which are of a functional character and hint at the historic burgage plots that would have been located to the rear of buildings. The site only has a pedestrian access through an alley between No's 3 and 4 Bear Street and is not visible from the frontage.
25. Whilst it would the construction of two dwellings in an area of open space, it would not cover the entire area and would leave open space to its side and rear and would allow its historic use as a burgage plot to remain legible. I noted other development to the rear of frontage buildings, whilst these may not be residential, they are not immodest in scale, thus back land development is not uncharacteristic of the historic or contemporary evolution of the area, and I do not consider that construction of dwellings in this open area would be out of place.
26. Although the proposed dwellings would be modern in style and design, shallow roofs are evident in the wider area, as are dormer windows, and the use of similar materials to nearby buildings means that they would not appear out of place in its setting. The depth and height of the building would not give rise to bulk which would be excessive in the context of the area.

27. As noted above the appeal site is within the setting of a number of listed buildings. As there is no legible link between the appeal site as a former burgage plot to the rear of the listed buildings, and given the lack of harm identified above, I find that the proposal would not adversely affect the historic importance and interest of the listed building.
28. In light of the above, the proposal would not result in any harm to the character and appearance of the surrounding area and historic environment, including the nearby listed buildings. The development would comply with LP Policies HC1, CP14 and ES10 which seek to ensure that developments conserve the heritage significance and setting of heritage assets.

Other Matters

29. I note the concerns raised by the appellant regarding the handling of the application; however, this has had no bearing on my consideration of the appeal.

Conclusion

30. For the above reasons, there are no relevant material considerations, including the approach of the Framework, which would indicate a decision otherwise in accordance with the development plan. It is for this reason that the appeal should be dismissed.

Tamsin Law

INSPECTOR

