



Appeal Decision

Site visit made on 28 August 2025

by **P Barton BA (Hons) MA MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 30 September 2025

Appeal Ref: APP/P0119/W/25/3368247

118 Beesmoor Road, Frampton Cotterell, South Gloucestershire BS36 2JP

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) (the Act) against a refusal to grant planning permission.
 - The appeal is made by Mr David Drew of David Drew Design & Construction Ltd against the decision of South Gloucestershire Council.
 - The application Ref is P24/01842/F.
 - The development proposed is erection of 3. no detached dwellings with associated access and landscaping works.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. During the determination of the planning application, the proposal was amended from 4 to 3 dwellings and introduced detached garages into the scheme. I have used the agreed amended description in the banner heading above.
3. The second reason for refusal in the Council's decision notice, as well as within the officer report, refers to 116 Beesmoor Road rather than 110 Beesmoor Road. This has been noted by the appellant within their submission and the Council has not commented upon this. I saw that the property in question is No. 110. It is evident from the Council's Officer Report the property in question and, as such, I consider the reference to the incorrect address in the second reason for refusal was in error.
4. The appeal is accompanied by a signed Unilateral Undertaking (UU), made pursuant to Section 106 of the Act. The Council was given the opportunity to comment on this matter. I have assessed the UU against Regulation 122 of the Community Infrastructure Levy Regulations 2010 and Paragraph 58 of the National Planning Policy Framework (The Framework).

Main Issues

5. The main issues are:
 - the effect of the proposed development on the character and appearance of the area;
 - the effect of the proposal on the living conditions of the occupiers of 110 Beesmoor Road, with particular reference to outlook; and

- whether the proposal would make adequate provision for Biodiversity Net Gain.

Reasons

Character and appearance

6. The appeal site forms the majority of the rear garden of 118 Beesmoor Road and contains a number of single storey structures, predominantly to the immediate rear of No. 110. This garden, along with adjoining gardens, forms a pleasant, open and verdant space that is prominent along this particular stretch of Beesmoor Road due to the gaps between the houses offering views of the area as well as the rising ground levels. Though the building line is staggered, there is a degree of harmony to the houses that run along the eastern side of Beesmoor Road, between Footes Lane and Lower Chapel Lane, with regard to their height and scale as well as the space between the 2-storey elements of the properties.
7. The proposal would see 3, 2-storey detached houses positioned to the rear of Nos 110 and 118, facing onto a new access road that would utilise the existing access off Beesmoor Road. Plots 1 and 2 would be at the far end of the site looking down the access road towards Beesmoor Road. Plot 3 would be perpendicular to the other plots and located to the rear of No. 110. The floor level of Plot 3 would be higher than No. 110 and the floor levels of plots 1 and 2 would be higher still to respond to the rising ground levels.
8. The proposal's gabled, hipped and mono pitch roof designs, including dormers, broadly follow the varied mix of house styles and ages in the area. However, the amount of built form would dominate the proposed individual plots compared to the existing neighbouring plots. There would be limited space between the new buildings, with the creation of small and tight frontages, resulting in an overly cramped appearance that is not characteristic of the prevailing pattern of development along this particular length of Beesmoor Road. This situation would be further compounded by the prominence of the slim gap between plots 1 and 2, that would be at a higher level and visible from Beesmoor Road. The close proximity of Plot 1 to the boundary with the garden at 120 Beesmoor Road would also be very apparent to the occupiers of that neighbouring property.
9. While the development would be at a similar density to the surrounding area, this does not alter the fact that the individual size of the buildings, their footprints and layout, including spatial composition, would result in an unacceptable degree of harm.
10. My attention has been drawn to a nearby development at Loveridge Court. I observed that Loveridge Court had a tighter form of development and a more cramped appearance than the prevailing form of development in the area. Consequently, Loveridge Court is not characteristic of the area, and its presence does not justify the unacceptable harm I have found with the appeal proposal.
11. For the above reasons, the proposed development would have an unacceptable effect on the character and appearance of the area. This would conflict with Policy CS1 of the South Gloucestershire Local Plan Core Strategy (the Core Strategy), which seeks high quality design that, amongst other things, requires development proposals are informed by, respect and enhance the character, distinctiveness and amenity of both the site and its context.

Living conditions

12. There are windows to the rear elevation of No. 110 that face towards a number of single storey structures within the appeal site that are positioned on, and close to, the common boundary. The appearance and condition of these structures, indicate that they are established and have been in situ for some time.
13. The proposal would see the removal of these structures and Plot 3 would have a single storey element with a mono-pitch roof sloping away from the boundary, with a flat roof single storey element behind, in a similar location. Due to the positioning, height and roof design of these elements, it would have a neutral impact in terms of outlook and sense of overbearing on No. 110. Plot 3 would also introduce 2-storey element to the rear of No. 110, but this would be at such a distance that it would not have an adverse impact.
14. Therefore, the proposal would not have an unacceptable effect on the living conditions of the occupiers of No. 110, with particular reference to outlook and proximity. This would accord with Policy PSP8 of the South Gloucestershire Local Plan Policies, Sites and Places Plan (PSP) that require development proposals not to create unacceptable living conditions, including overbearing and dominating impacts.

Biodiversity Net Gain (BNG)

15. Schedule 7A of the Act introduced a statutory framework for BNG and, with some exceptions, every grant of planning permission is deemed to have been granted subject to the Biodiversity Gain Condition (BGC). This requires that at least a 10% increase in biodiversity value is met. It follows that the proposal is subject to the general BGC, as set out in the Act.
16. The submitted Biodiversity Statement and Biodiversity Gain Plan states that the proposal would result in the loss of 2.16 habitat units, which represents a 93.91% negative change. The statement highlights that the loss is primarily due to the trees within the site being pollarded prior to the ecological survey being undertaken and it is unknown whether they will survive. Furthermore, it is claimed that the proposed development cannot replace these trees within the site.
17. To provide the minimum 10% BNG and in accordance with the trading rules, 2.13 individual tree habitat units and 0.26 low distinctiveness habitat units would be required. In this case it is indicated that this will be achieved off-site and secured by the BGC.
18. I am mindful that the Planning Practice Guidance (PPG) states that it would generally be inappropriate for decision makers, when determining a planning application for a development subject to BNG, to refuse an application on the grounds that the BNG objective will not be met. However, the PPG continues that decision makers may need to consider more broadly whether the BNG condition is capable of being successfully discharged, with matters for consideration including the appropriate balance expected between on-site gains, off-site gains and the use of statutory biodiversity credits for the development, taking account of the Biodiversity Gain Hierarchy.
19. I note the Council's concerns that there is little information on how or where the off-site units would be purchased. Nevertheless, there is no compelling evidence

before me that the 10% increase in biodiversity value off-site could not be delivered. This would be a statutory requirement for later consideration should permission be granted.

20. The UU that accompanied the appeal includes the pre-payment of applicable BNG charges to the Council as well as proof of any off-site units purchased to ensure the 10% BNG requirements are met off-site. However, such a planning obligation is only relevant to the discharge of the BGC and not a planning permission. In such circumstances the Council would have the opportunity to assess the suitability of the off-site units as part of the discharge of the BGC. On this basis, I have not considered the effectiveness of the UU.
21. To conclude, sufficient information has been provided at this stage that the proposal would make adequate provision for BNG. This would accord with Policies CSP9 of the Core Strategy and PSP19 of the PSPP, which seek, amongst other things, to protect and enhance species and habitats, avoid or minimise impact on biodiversity and secure BNG.

Other Matters

22. The Council's Officer Report references concern in relation to the submitted drainage statement and drainage layout plan, including that no percolation tests appeared to have been undertaken and that a 45% allowance for climate change should be used for soakaway calculations. However, as I am dismissing the appeal for other matters, I have not considered this matter further.
23. I appreciate that there was some support for the scheme from local residents, including positive observations on the homes the appellant has built locally. Nevertheless, this does not outweigh my concerns about the scheme's design.
24. A lack of harm or policy compliance in respect of living conditions, parking and highway would have a neutral effect which neither weight for nor against the proposal.

Planning Balance

25. I give significant weight to the conflict with Policy CS1 of the Core Strategy, which is consistent with the Framework in ensuring that development is sympathetic to local character. As a result, I find that there is conflict with the development plan as a whole.
26. Unchallenged evidence has been submitted by the appellant which indicates that the Council has a deliverable housing land supply of 4.41 years. Consequently, paragraph 11 d) of the Framework is applicable. Paragraph 11 d) ii) identifies that planning permission should be granted unless any adverse impact of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole, having particular regard to certain key policies including securing well-designed places.
27. The proposed development would make a positive contribution in the delivery of 3 dwellings, that would represent the efficient use of land within an established residential area with access to public transport. There would also be associated social and economic benefits during the period of construction and once the dwellings are occupied, as well as the delivery of BNG.

28. The limited scale of the development means that I afford the provision of 3 new houses within the context of the current shortfall, along with the other benefits listed above, moderate weight in favour of the proposed development. I have considered paragraphs 61 and 73 of the Framework, which emphasise the Government's objective of significantly boosting the supply of homes and the important contribution small and medium sized sites can make to meeting the housing requirement of an area.
29. On the other side of the balance, there would be an unacceptable effect on the character and appearance of the area, which would be contrary to paragraph 135 of the Framework. Given the long-lasting effects on the character and appearance of the area, I attribute significant weight to this conflict.
30. Therefore, I conclude that the adverse impacts of the proposal would significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework taken as a whole. As such the presumption in favour of sustainable development set out in paragraph 11 d) of the Framework does not apply.

Conclusion

31. The proposal conflicts 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, the appeal is dismissed.

P Barton

INSPECTOR