
Appeal Decision

Site visit made on 23 July 2014

by Jane Miles BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 11 September 2014

Appeal Ref: APP/G1630/A/14/2219972

**Land adjacent to Gretton View, Alderton, Tewkesbury, Gloucestershire
GL20 8TP**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr David Greening against the decision of Tewkesbury Borough Council.
 - The application ref: 13/01018/FUL, dated 3 October 2013, was refused by notice dated 29 April 2014.
 - The development proposed is 'erection of 4 detached dwellings and associated works'.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. Revisions were made to the proposed layout while the application was being considered by the Council, and the refusal relates to those revised plans (that is, the plans appended to the officers' report to the Planning Committee).
3. The appeal submissions include a further revision (drawing no. 13:1700:02E). The appellant requests that consideration be given to this alternative layout and has recorded that this most recent plan was submitted to the Council with a request for comments. I cannot however be sure that everyone with an interest in the proposal has had an opportunity to comment on this plan, which includes some material alterations in the siting of the proposed dwellings and, in particular, an increase (albeit small) in the size of the application site. It would not therefore be appropriate to assess the proposal on the basis of this plan. I have determined the appeal on the basis of the set of plans considered by the Planning Committee.
4. The Council has acknowledged that a reference in the refusal reason to saved LP Policy HEN2 was an error. That policy relates to conservation areas and, as there is no conservation area in Alderton, it is not relevant in this case.

Reasons

Background & main issues

5. The development plan currently comprises saved policies of the Tewkesbury Borough Local Plan to 2011 (LP) (2006). The proposed dwellings, on a site outside the village boundary as defined in that plan, would be contrary to

LP Policy HOU4. However, as the Council acknowledges, the more recent *National Planning Policy Framework* indicates this policy must be considered out of date. As I understand it, the Council cannot currently demonstrate a five-year supply of deliverable housing sites and the emerging Joint Core Strategy (JCS) has not yet been submitted for examination. In such circumstances the *Framework* expects applications for housing to be considered in the context of the presumption in favour of sustainable development.

6. Thus it is necessary to consider whether or not the proposal would constitute sustainable development, which has economic, social and environmental dimensions. Given the Council's refusal reasons, key matters to consider are the impact of the proposal on the character and appearance of the surrounding area and landscape; its impact on the setting of a designated heritage asset; the adequacy of provision for surface water drainage, in terms of access to, and maintenance of, an adjacent watercourse.
7. If the proposal is found to be sustainable development, then permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the *Framework* taken as a whole. Even if it would not be sustainable development, in the current development plan situation it will still be necessary to balance any harm against any benefits.

Character and appearance

8. The appeal site, at the eastern extremity of Alderton, abuts residential properties to the west and north. It would be accessed via Gretton View, the cul-de-sac serving the dwellings to the north. The site, and a parcel of land to the east, currently have the character of grassed paddocks, with agricultural land wrapping around the south and east boundaries. All of this land and the village as a whole lie in a locally designated Special Landscape Area (SLA) which, as explained in the supporting text to saved LP Policy LND2, is designated to protect the setting of the Cotswold Area of Outstanding Natural Beauty (AONB) to the north.
9. Given these landscape designations the Council maintains the site is in a location where sensitivity to change is high. Bearing in mind the particular local topography, with Alderton Hill rising beyond the site to the north and much of the land to the south sloping down towards the B4077, I agree. Moreover, as is acknowledged in the appellant's Landscape and Visual Impact Assessment (LVIA), in views towards the village from the south, much of the village is well screened with mature landscaping along its southern side. Thus, from this direction, the built form of Alderton is not generally a prominent feature in the landscape.
10. A notable exception is the existing housing at Gretton View which, despite its relatively small site area, does stand out in northward views from the B4077 and from public footpaths in the vicinity. This is due partly to the relatively dense grouping of built form and partly to the very limited landscaping along its southern boundary. Moreover, a strong line of trees and other vegetation along the western boundary combined with the relatively spacious layout of development beyond that boundary means the existing Gretton View houses do not, in these northward views, appear well integrated with the village.

11. It follows that I do not agree with the suggestion in the LVIA that the visual impact of the four dwellings now proposed would be greatly reduced, amongst other things, by their location 'within the form of the existing settlement'. They would be seen against the backdrop of the existing Gretton View housing in northward views but, like that development, would not appear well integrated with the built form of the bulk of the village to the west.
12. Significantly, the proposed layout with two houses close to the southern boundary is such that there would be limited scope for sufficiently tall and dense landscaping that might, in time, satisfactorily integrate the development with the surrounding landscape. In particular the proximity of the plot 3 house to the southern boundary, together with future occupiers' reasonable expectations of good light into and outlook from its principal ground-floor living rooms, would preclude this type of landscaping which, as noted in the LVIA, typically characterises the village's southern boundary.
13. The LVIA also acknowledges that introducing new dwellings into a rural landscape would typically result in moderate to significant adverse impact. In this case, given the sensitivity of the landscape, the intrusive visual impact of the proposed building group and the limited scope for landscaping of sufficient density and height along the southern boundary, I find that the proposal's adverse impact in close and medium range views would be significant.
14. Turning to detailed design, the style of the proposed dwellings would reflect that of the existing Gretton View development, and the use of roof spaces for first floor accommodation would minimise their heights. In terms of the layout however, the position of the dwellings on plots 2 and 3 so close to the southern boundary, those on plots 1 and 2 close to the canopies of protected trees down the western boundary, and all four in close proximity to the access driveway would create a tight grouping of built form that would appear shoehorned into the site. Such a grouping is more typically found in historic village centres, rather than on their outer fringes adjoining open countryside. For these reasons, rather than simply the sizes of gardens relative to dwellings, I find that the layout would be an unduly cramped arrangement, detracting from the character and appearance of its edge of village setting.
15. I note local concerns about other design aspects of the layout, most notably in relation to access, parking and highway safety, and to the future health of the protected trees. If, as existing residents expect, two parking spaces per dwelling proved insufficient, the likely result would be parking around the informal access driveway and potential congestion. That could add to the development's adverse visual impact but, as vehicle speeds would necessarily be low, it is unlikely this would pose undue safety hazards. The trees undoubtedly contribute to the area's character and appearance, but they are now the subject of a Tree Preservation Order and appropriate measures to protect them during any development could be ensured by condition.
16. In summary, I have found that the proposal would have a significant adverse visual impact in its sensitive landscaping setting and that it would result in an unduly cramped development. In both respects it would be detrimental to the character and appearance of the surrounding area, thereby conflicting with LP Policy LND2 and with policy guidance in the *Framework*.

Setting of heritage asset

17. The designated heritage asset is 'The Old Rectory' which is Grade II listed, dates from around 1840 and sits in a spacious plot to the west of the appeal site. There is little of substance in the representations before me¹ to explain the building's significance in terms of its historical and architectural interest. However the listing details set out its principal architectural features and the name suggests its historical interest is more likely to stem from its relationship with the parish church and thus its function within the village than from any relationship with countryside to the east. Irrespective of outbuildings in front of the eastern elevation, it is far from clear to me why eastward views from inside the building appear to be considered important in terms of its significance and setting.
18. In any event, the boundary between appeal site and listed building is marked by the protected trees and other vegetation and, in part, by an open ditch. These amount to a distinct separating feature between the two properties, even though the quality and density of the existing vegetation at lower levels is variable, such that there is some visibility through it. However it would be possible to require additional planting along this boundary as a condition of any permission granted.
19. In these circumstances I find no reason to conclude, as a matter of principle, that development on the appeal site would automatically fail to preserve the setting or significance of the listed building. The Old Rectory would continue to be perceived and readily understood as a substantial building in its own extensive grounds. However, as I have concluded the appeal proposal would result in an unduly cramped development, it follows that this would result in a degree of harm to the listed building's setting. Such harm would be limited (much less than substantial) and, if it was the only matter at issue, it would not be so great as to outweigh the proposal's public benefits in terms of increased housing supply. Given my conclusions relating to character and appearance, it is however another matter that weighs against the proposal.

Surface water drainage

20. The Council is concerned about the adequacy of access to the adjacent watercourse, for emergency and maintenance purposes. The watercourse in question runs along the western site boundary. However, as I saw during my visit, this is not an open river or stream running the full length of the site boundary: rather it appears to be a partially culverted field ditch.
21. Saved LP Policy EVT5 is cited as the reason for (initially) requiring an 8m wide access strip alongside this ditch. The policy wording advises that this and other criteria apply 'within areas with a high flood risk, and low to medium flood risk, *as identified on the proposals map*, and outside these areas if required by the Environment Agency' (my emphasis). The appeal site is not so identified. According to the appellant, it is in Flood Zone 1 on the Environment Agency's Flood Risk Map, where flooding from rivers is 'very unlikely'. Thus the policy justification for this requirement is questionable, and an 8m access strip appears somewhat excessive for a watercourse of this nature.

¹ Which include a Heritage Statement from the appellant

22. Nonetheless, it is of course essential that proper provision is made for surface water drainage (ideally using sustainable drainage techniques) and for future maintenance, and I note local concerns about flooding and drainage matters in this locality. However it is apparent there has been continuing discussion between relevant representatives of the appellant and the Council; that this is a matter capable of resolution (with an access strip of reduced width); that planning conditions could be used to secure satisfactory provisions for surface water drainage, including emergency access and maintenance. Thus I find insufficient grounds to reject the proposal on the basis of inadequate provision for emergency access to, and maintenance of, the watercourse. There would be no material conflict with LP Policy EVT5.

Whether or not sustainable development

23. As already noted, there are three dimensions to sustainable development. Through the construction of four new dwellings and the contribution they would make to the Borough's housing supply the proposal would accord with, and contribute in a very modest way to, its economic and social dimensions. With regard to the environmental dimension, and notwithstanding my findings in relation to surface water drainage, the proposal would result in significant harm in terms of character and appearance and limited harm to the setting of The Old Rectory. Moreover the cramped layout would not amount to good quality design and, as set out in the *Framework*, good design is a key aspect of sustainable development. In these circumstances therefore I conclude the proposal would not constitute sustainable development.

Other matters and overall conclusions

24. Various other matters have been raised by the Parish Council and by local residents, of which the most significant relate to the principle of developing the appeal site. In this respect I note the outcome of a previous appeal, in 1999, and also concerns about current proposals for housing in and around the village. Such proposals include a scheme for 47 dwellings, allowed recently on appeal², and more recent ones of substantial scale.
25. As there are clear differences between the policy frameworks in place in 1999 and today, the previous appeal decision for this site does not set any precedent in relation to this current proposal. Nor, as highlighted in some of the representations, did the Inspector in the recent appeal consider that her decision would set a precedent for other sites in the village. Each proposal should be assessed on its own site-specific merits, in the light of development plan and national policy and other material considerations: that is the approach I have taken in this case.
26. In terms of the privacy and amenity of occupiers of neighbouring properties, the separation distances and the relationships that would be created reflect those widely considered acceptable for residential development. Given the general uniformity of the site in terms of its vegetation, I agree with the Council's view that the proposal would not result in any adverse impact on protected species or habitats. Neither these nor any other matters raised weigh against the proposal to any significant degree.

² Appeal ref: APP/G1630/A/13/2209001, decision dated 22 May 2014

27. Following the approach outlined in paragraph 7 above, even though I have concluded that this appeal proposal in its current form would not constitute sustainable development, it is still necessary to balance the harm the proposal would cause against its benefits. Given the *Framework's* exhortation to boost the supply of housing, and in a situation where a five-year housing land supply cannot be demonstrated, additional dwellings must be considered a benefit, not least as Alderton is one of the service villages identified in the emerging JCS for some new housing.
28. However the benefits associated with just four new dwellings would be no more than modest. They would not be sufficient to outweigh the significant harm the proposal would cause to the character and appearance of the surrounding area and landscape and the limited harm to the setting of The Old Rectory. Therefore, having taken account of all the representations before me and for the reasons set out above, I conclude the appeal must fail.

Jane Miles

INSPECTOR