

Ward: Katesgrove

Appeal No: APP/E0345/W/18/3199747

Planning Ref: 172118

Site: 40 Silver Street

Proposal: Demolition of existing building and erection of a part 3 and part 4 storey (plus basement level) building to provide 62 studio rooms (sui generis use class) with associated ancillary space and landscaping works.

Decision level: Committee

Method: Written Representation

Decision: Appeal dismissed

Date Determined: 29th October 2018

Inspector: Nicola Davies BA DipTP MRTPI

1 BACKGROUND

- 1.1 The application was determined by Planning Applications Committee on 7th February 2018 and refused planning permission on 9th February 2018. The site was last occupied by an industrial building and used for commercial hire of plant and tools and lies to the south of the town centre in an area where there is a mixture of uses and on a key road leading out of the town centre.
- 1.2 The planning application was refused for 4 reasons relating to poor design and character; loss of amenity to neighbours; failing to contribute to a mixed and balanced community and failing to enter into a S106 agreement and these were identified as the main issues by the Inspector.

2 SUMMARY OF DECISION

Design & Character

- 2.1 The Inspector noted that “despite the existing commercial building to the south of the appeal site, the development along this part of Silver Street has an overall domestic appearance”. In this context the modern design and size of the proposed development “would appear as a discordant development within the context of this streetscene”.
- 2.2 The appellant and the Council disagreed on the merit of the courtyard garden, which the Council found to be too small and overlooked to be pleasant to use. The Inspector agreed with the Council by stating “ I consider it would be an oppressive space due to the sense of being enclosed by tall built development. I find it would also be an unpleasant outdoor place for occupiers as they would experience the overwhelming sense of being observed whilst using this space. Consequently, the constrained nature of the proposed courtyard leads me to conclude that the development would also be an overdevelopment of this site”.
- 2.3 The Inspector concluded on this matter that the proposal would be contrary to Policy CS7 and NPPF paragraph 124 by being harmful to the character and appearance of the area and failing to create high quality buildings and places.

Amenity

- 2.4 The Inspector identified that due to the height and position of the new buildings the proposed development would be dominant on the outlook for neighbours to the north of the site. The findings of the appellant’s Daylight and Sunlight Study were noted but this did not allay her concerns with the orientation and large size of the development compared to existing properties which the Inspector considered would “cast a shadow over these neighbouring developments for part of the day. This would be likely to make the outdoor living environments for the existing occupiers gloomier”. These neighbours would also feel overlooked from the large windows facing into the courtyard area.

2.5 The appellant tried to infer that because there had been only 4 objections from the 59 households consulted this suggested “a considerable degree of acceptance of the scheme from the majority of near neighbours”. The Inspector accepted the Council’s case that when making decisions on new development we are required to consider the living conditions of existing neighbours and the wider public interest. The Inspector concluded that the development would be harmful to neighbours, contrary to Policy DM4.

Mixed and Balanced Community

2.3 The Inspector accepted the Council’s argument that this development, in the context of permitted schemes for student accommodation in the area, would fail to provide a mixed and balanced community. The Inspector also noted the Council’s concerns that development for student housing would prevent a potential housing site being used to meet the immediate general housing need and that for affordable housing and on this basis concluded that the development failed against Policy CS15.

Conclusion

2.4 An acceptable Unilateral Undertaking was submitted to address the 106 legal agreement reason for refusal but this did not outweigh the problems found by the Inspector with the development as proposed. The appeal was therefore dismissed.

Head of Planning, Development & Regulatory Services Comment:

Officers are very pleased with the Inspector’s conclusions on this appeal. The site would clearly benefit from being redeveloped but this application tried to get too much on the site with consequential harm identified in the design, to the appearance of the street and to the amenities of new occupiers and existing neighbours.



Case Officer: Julie Williams