
Appeal Decision

Site visit made on 17 June 2019

by V Bond LLB (Hons) Solicitor (Non-Practising)

an Inspector appointed by the Secretary of State

Decision date: 10 July 2019

Appeal Ref: APP/U1620/W/19/3226583

25 Tuffley Avenue, Gloucester GL1 5LS

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a failure to give notice within the prescribed period of a decision on an application for planning permission.
 - The appeal is made by Mr & Mrs Richard Hennessy against Gloucester City Council.
 - The application Ref 19/00077/FUL, is dated 29 January 2019.
The development proposed is described as 'Demolition of existing brick garage to the rear of 25 Tuffley Avenue and construction of a 3 bedroom detached dwelling with off road parking. Constructed in red brick to match surrounding with slate roof.'
-

Decision

1. The appeal is dismissed.

Background and Main Issues

2. The appeal is against the non-determination of the planning application. The Council has provided putative reasons for refusal for the application had it been determined and I have dealt with the appeal on that basis. The main issues are the effect on the character and appearance of the area and on the living conditions of neighbouring occupants, and whether the proposed development would afford adequate living conditions for its future occupants.

Character and appearance

3. Properties in the immediate area surrounding the appeal site show some variation in design but are characterised by their gardens generally being positioned end-to-end, which creates a spacious character.
4. The appeal site includes part of the garden of the dwelling at 25 Tuffley Avenue and would entail the demolition of an existing garage at the end of the garden, with a new detached dwelling to be erected on the plot. In view of the scale of the proposed dwelling and proportion of garden space lost, the effect would be to erode the open character of the area, resulting in a cramped appearance which would be clearly visible in views from Gladstone Road.
5. I therefore conclude on the first main issue that the proposal would have a harmful effect on the character and appearance of the area. It would conflict with Policy SD4 of the Gloucester, Cheltenham and Tewkesbury Joint Core Strategy (adopted 2017) (CS) which indicates that new development should respond positively to, and respect the character of, the site and its surroundings, enhancing local distinctiveness.

Living conditions

6. The effect of the proposal would be to significantly reduce the existing garden space for the large dwelling No 25. The proposed house would also have only a relatively small side garden. The size of the existing and proposed dwellings mean that these could be family accommodation and the garden space provided would not be adequate to accommodate the usual uses of sitting out, clothes drying, garden storage and play space, as required. Given the relative positions of the nearest first floor window of 8 Gladstone Road to the proposed garden for the new dwelling, no unacceptable overlooking would result in respect of any private garden areas.
7. The plot for the proposed dwelling would adjoin those of houses at 8 Gladstone Road, 23 Tuffley Avenue and 44 Hartington Road. The new dwelling would extend along a significant portion of the boundary with No 23, and given its scale and position, would result in an overbearing impact on the rear garden of this dwelling. Given the modest size of the amenity space for No 8 and No 44, the proposed dwelling would also have a significantly overbearing effect for these homes also. The absence of objections from occupants at No 23 does not equate to the absence of harm.
8. I therefore conclude that the proposal would have a harmful effect on the living conditions of neighbouring occupants and would not afford adequate living conditions for its future occupants. It would conflict in this way with Policies SD4 and SD14 of the CS which state that new development should seek to avoid or mitigate against potential disturbances, including visual intrusion and should cause no unacceptable harm to local amenity including the amenity of neighbouring occupants.

Other Matters

9. The proposal would provide one additional dwelling in a sustainable location, offering improved levels of insulation and heating installation in excess of Building Regulations requirements, and is intended for occupation by the owners of No 25. These matters weigh modestly in favour of the development. The proposal seeks to overcome concerns raised in respect of a previously refused application and seeks to make efficient use of the site. Given the harm identified, this approach has not been successful.
10. Both as regards character and appearance and living conditions effects, the appellant has cited other planning decisions in the area as examples of similar development. I do not though have full details of the planning circumstances leading to those developments in order to form a detailed comparison with the appeal proposal, which I have considered on its merits.

Conclusion

11. The proposal would offer modest benefits as outlined but these would not outweigh the development plan conflict and harm found. The proposal would therefore conflict with the development plan, read as a whole. For the above reasons, and taking into account to all other matters raised, the appeal does not succeed.

V Bond

INSPECTOR