



Appeal Decision

Site visit made on 23 July 2019

by S Hanson BA(Hons) BTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 22 August 2019

Appeal Ref: APP/U1620/W/19/3227347

9 Falkner Street, Gloucester GL1 4SG

- 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 Mo Kara against Gloucester City Council.
 - The application Ref 19/00114/FUL, is dated 5 February 2019.
 - The development proposed is a detached bungalow to the rear of 9 Falkner Street.
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Decision

1. The appeal is dismissed and planning permission is refused.

Main Issues

2. The appeal follows non-determination of the application. However, the Council has provided a statement which suggests its concerns are the effect of the development on the character and appearance of the area, and its effect on the living conditions of the occupiers of the existing dwelling 9 Falkner Street and the future occupiers of the proposed dwelling with particular regard to the adequacy of the outdoor amenity space. On the basis of the evidence before me and my own observations, I see no reason to disagree with those concerns, and consider the main issues are:
 - i) The effect of the proposed development on the character and appearance of the area: and
 - ii) The effect of the proposed development on the living conditions of the occupiers of the existing dwelling 9 Falkner Street and the future occupiers of the proposed dwelling with particular regard to the adequacy of the outdoor amenity space.

Reasons

Character and appearance

3. 9 Falkner Street (No 9) is a semi-detached property located on the north side of an unclassified no through road within the defined settlement boundary of Gloucester. Falkner Street and the surrounding roads form a grid pattern on which are two-storey residential properties with a uniform building line marginally set back from the pavement. The appeal site is surrounded on three sides by two-storey residential dwellings all with a road frontage.

4. Properties within the immediate area along the north side of Falkner Street are of similar style and era with the 'front' door to the side elevation. Various alterations and extensions are evident to properties in the vicinity, including some sizeable rear extensions. Frontages are mainly defined by low walls or hedges, but some are open and provide an additional space to park a car.
5. The houses sit in long narrow plots which join the rear gardens of the terraced properties along Goodyere Street. The houses on this side of Falkner Street are grouped together in semi-detached pairs with generous gaps between. These gaps are mainly utilised for parking. Some are partially enclosed with garages set back from the road or fences and landscaping which secure the private garden to the rear. Others remain open allowing for extended views through to the rear gardens. Most, however, allow extended views through a verdant backdrop to the rear of the terraced properties on the parallel street.
6. The appeal site forms part of the rear garden area belonging to No 9. The site would be divided part way down its length leaving a small area of outdoor space for the existing dwelling. The proposal would share an access with the frontage property which would run to the side of the house along the boundary. The proposal would be of a bungalow design of rectangular form to fit the narrow plot. It would be positioned towards the rear of the site, allowing for private outdoor space to its rear and a pathway along its east side boundary. To the west, the dwelling would be positioned hard against the boundary with the rear garden of the neighbouring property. The area between the front of the proposed bungalow and the road frontage would be an expanse of hardstanding for parking.
7. Development of this rear garden would result in a cramped environment in an otherwise relatively spacious and verdant setting. The proposal would have no street frontage and would be at odds with the strong linear pattern of the urban form of development. Additionally, the long narrow garden, which is a significant characteristic of the street and of the wider area, would be replaced with small parcels of outdoor space. Consequently, the proposal would not comply with Policy SD4 of the Gloucester, Cheltenham and Tewkesbury Joint Core Strategy 2011 – 2031 (2017) (JCS) which requires new development to respect the character of the site and its surroundings, enhancing local distinctiveness and addressing the urban structure and grain of the locality in terms of street pattern, layout, mass and form. This is reinforced by paragraph 127 of the National Planning Policy Framework (the Framework) which expects development to add to the overall quality of the area and be sympathetic to local character, the built environment and landscape setting.

Living conditions

8. The proposed development would allow for a small area of private outdoor space for both the proposed bungalow and the existing dwelling. The position of the bungalow would allow for a depth of garden of around 4.9 metres for the new build. The space would be further affected by the existing tree cover particularly from the large Sycamore within the garden boundary to the east, belonging to the neighbouring property.
9. Policy SD4 of the JCS requires new development to enhance comfort, convenience and enjoyment through assessment of the opportunities for light, privacy and external space. Policy SD14 of the JCS specifies that, among other things, new development must not cause unacceptable harm to local amenity.

This is supported by paragraph 127 of the Framework which expects developments to create a high standard of amenity for existing and future users.

10. On this basis, I conclude that the appeal proposal would result in unacceptable harm to the living conditions of the occupiers of the existing dwelling and future occupiers of the proposed bungalow through a poor level of private outdoor space.

Other Matters

11. I note the appellants reference to other developments however, I do not have the full details of these schemes and so cannot be certain of the circumstances or judge whether they are comparable. Nevertheless, I have considered this proposal with regard to the specific characteristics of the appeal site and its immediate surroundings.
12. I also acknowledge the proposed sustainability credentials and the appellant's view that the dwelling might provide another sensibly sized and priced property for the rental market. However, this does not outweigh the harm I have identified above.
13. With regard to the initial pre-application advice provided by the planning officer, that is a matter to be addressed by the Council. My assessment is based on an impartial judgement of the planning merits of the appeal.

Conclusion

14. For the reasons above and taking into account all other matters raised, I conclude that the appeal should be dismissed and planning permission refused.

S Hanson

INSPECTOR