
Appeal Decision

Site visit made on 28 January 2020 by Scott Britnell MSc FdA

Decision by Kenneth Stone BSc(Hons) DIPTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 27 February 2020

Appeal Ref: APP/U1620/D/19/3240977

14 Simon Road, Longlevens, Gloucester, Gloucestershire, GL2 0TP

- 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 Miss Amy Gamston against the decision of Gloucester City Council.
 - The application Ref 19/00846/FUL, dated 8 August 2019, was refused by notice dated 3 October 2019.
 - The development proposed is double and single storey rear extensions.
-

Decision

1. The appeal is dismissed.

Appeal Procedure

2. The site visit was undertaken by an Appeal Planning Officer whose recommendation is set out below and to which the Inspector has had regard before deciding the appeal.

Main Issue

3. Although the Council's refusal reason refers to poor design, I have taken this to be in the context of its effect on the living conditions of the occupiers of the adjoining property at 16 Simon Road (No. 16) as it is clear from their report that they consider the effect on the character and appearance of the street scene and existing dwelling of the proposal to be acceptable¹, and I agree. The proposal also includes a single storey element. There is no objection from the Council with regard to this element and having considered the matter I see no reason to reach a different view.
4. The main issue in this matter therefore is the effect of the proposed two storey rear extension on the living conditions of the occupants at No 16 with particular regard to outlook.

Reasons for the Recommendation

5. The appeal site comprises a semi-detached dwelling located on the west side of Simon Road. The property benefits from an extant planning permission for a part single storey/part two storey rear extension². I have been provided with a copy of what appears to be an approved drawing, FTAG001, which depicts this

¹ Section titled 'Effects on the character and appearance of the street scene and the existing dwelling'.

² 18/01373/FUL, dated 18 January 2019.

scheme. The appeal proposal revises the scheme by replacing the lean-to roof of the two storey element with a gable end. This would increase the eaves height by approximately 1.3 metres and overall height by 0.9 metres, while the depth and width would remain the same; these figures have been taken from the Council's report and are not disputed.

6. At ground floor, No 16 benefits from a single storey conservatory. The appellant submits that this is not in use as a habitable/living space, which appeared to be the case from my observations. There is further ground floor fenestration to the side of the conservatory in the form of French doors, and a first floor window above it. Due to its scale, massing and location close to the boundary, the proposed extension would be an overly dominant structure that would significantly harm the outlook currently enjoyed by the occupants of No 16, by virtue of creating an unacceptable sense of overbearing and associated enclosure. These effects would be felt from within the dwelling and its rear garden, making these areas less pleasant to use. While both properties benefit from gardens with an open aspect, this is not sufficient to negate such harm.
7. In considering this appeal, I have given significant weight to the extant planning permission as a fall-back position and observed that it has already been constructed up to first floor level. However, the appeal proposal, due to its scale and design, would result in a larger and more intrusive structure in very close proximity to the boundary, and the resultant harm identified above. The effects of the appeal proposal would, as a result, be over and above those created by the development with the extant planning permission. Consequently, the presence of this fall-back position does not justify the unacceptable development proposed.
8. In conclusion, the proposal would have an unacceptable effect on the living conditions for the occupants of No 16. There would be conflict with Policies SD4 and SD14 of the Gloucester, Cheltenham and Tewkesbury Joint Core Strategy 2011 - 2031 (2017), Gloucester City Council Home Extension Guide Interim Adoption Supplementary Planning Document (2008) and the provisions of the National Planning Policy Framework. These seek, among other things, to ensure that new development should avoid or mitigate potential disturbances, including visual intrusion, cause no unacceptable harm to local amenity including the amenity of neighbouring occupants, that the positioning, design and mass of an extension should not be dominant or have an adverse impact on any windows that may be present in a neighbouring property, and that development should ensure a high standard of amenity for existing and future users.

Other Matters

9. The appellant suggests that the appeal proposal is of higher design quality than the approved scheme. While I concur that the overall appearance of the proposal would sit more comfortably with the host dwelling, this does not overcome the harm that I have identified. The appellant also suggests that the proposal would provide a more usable space than is allowed for under the extant scheme. However, this is a private benefit, and would not overcome the harm that would be caused to the living conditions of the occupants of No 16.
10. I have been referred by the appellant to an extension at No 35 Simon Road (No. 35). However, the appellant makes this comparison specifically with regard to the design of the extension. I also noted other examples of

extensions in the area. As set out earlier, the effect of the design on the character and appearance of the area is not a matter upon which this appeal turns and these do not provide justification for the harm that I have identified in this case. Further, no details of the extension at No 35 have been submitted and so I am unable to consider how comparable it may be to the appeal proposal.

11. The appellant also notes that no objections were received by the Council in respect of the proposal. However, I have assessed the proposal on its merits and do not consider that this overcomes the harm identified.

Conclusion and Recommendation

12. For the reasons given above, I recommend that the appeal should be dismissed.

Scott Britnell

APPEAL PLANNING OFFICER

Inspector's Decision

13. I have considered all the submitted evidence and the Appeal Planning Officer's report and on that basis the appeal is dismissed.

Kenneth Stone

INSPECTOR