



Appeal Decision

Site visit made on 27 May 2020

by R Lankshear BSc (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 06 July 2020

Appeal Ref: APP/U1620/W/20/3245590
79 Hatherley Road, Gloucester GL1 4PH

- 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 Rizwan Ahmed against the decision of Gloucester City Council.
 - The application Ref 19/01162/FUL, dated 6 November 2019, was refused by notice dated 24 December 2019.
 - The development proposed is demolition of existing garage and shed and construction of a single storey dwelling unit.
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Decision

1. The appeal is dismissed.

Procedural Matter

2. I have amended the description in the banner heading above to omit reference to 'resubmission following application no. 19/00701/FUL' as this in itself is not of relevance to the determination of this appeal.

Main Issues

3. The main issues are the effect of the development on i) character and appearance of the area; and ii) living conditions of future occupiers with regard to provision of outdoor amenity space and privacy.

Reasons

Character and appearance

4. The appeal site comprises land to the rear of an end of terrace two storey property, that includes single storey outbuildings fronting onto Tarrington Road. The area predominantly consists of two storey semi-detached and terraced dwellings within generously proportioned plots although there is some variety including the single storey church building on the opposite side of Tarrington Road and three storey residential development to the north.
5. The appeal development seeks to erect a single storey, flat roofed one bedroom dwelling following the demolition of existing single storey structures within the site. The dwelling would benefit from an enclosed area of outdoor garden space primarily positioned to the front between the proposal and the Tarrington Road frontage.

6. Whilst I note that the surrounding area includes a degree of variety in form and storey height, including those granted under recent permissions, principally the street scene consists of two storey development with pitched roofs. Despite the proposed use of similar materials and detailing to those found within the road, I consider that the design of the appeal development, including its flat roof, would relate poorly to the predominant characteristics and form of neighbouring buildings and would not assimilate successfully within the street scene. Furthermore, whilst I note the buildings proposed position within the site and suggested modest increase in floor area when compared to existing buildings on the site, I consider owing to its form and modest plot size, that the proposal would not relate well with the existing pattern of development.
7. Although I acknowledge the suggested separation of the appeal site from No 79, presence of existing structures within the site and their suggested unattractive appearance, these appear as ancillary buildings and land associated with the host property. However, the appeal proposal would appear and function as an independent unit and would significantly alter the character and form of development at the site. Noting this and for the reasons given above, to my mind even the modestly proportioned dwelling proposed would appear as an anomalous and singular entity, appearing cramped within its plot. As such the appeal proposal would appear as discordant built form at odds with the established local grain of development, that would cause significant harm to the character and appearance of the area that would outweigh any suggested benefit from the removal of the existing buildings.
8. Although I note other single storey structures within the vicinity of the site including the church to the opposite side of Tarrington Road, from the evidence before me these structures are markedly different to the proposal subject of this appeal, do not represent the predominant form of development and generally reflect their function. As such, I do not find the presence of such structures justifies allowing development that would be harmful to the character of the area for the reasons given above.
9. For the above reasons, I conclude that the proposed development would cause significant harm to the character and appearance of the area. As such, it would be at odds with Policy SD4 of the Gloucester, Cheltenham and Tewkesbury Joint Core Strategy 2017 (JCS) that seeks, amongst other things, that new development should respond positively to, and respect the character of the site and its surroundings. The appeal proposal would also be contrary to the advice contained within the National Planning Policy Framework (the Framework) including that in Section 12.

Living conditions

10. Whilst I acknowledge that the Council may not have locally specific outdoor amenity space standards, the outdoor space provided would be limited in its extent and of a shallow depth. Given its modest size and shape, I find that the proposed outside space would be of diminished practical use for occupiers of the dwelling. As such, although I note the aspect of the garden area, I am not persuaded that the proposal would provide future occupiers of the dwelling with an attractive or satisfactory form of outdoor garden space.
11. The main area of amenity space would be in close proximity to the rear elevation of the outrigger of 79 Hatherley Road itself, which has window openings within its rear elevation fronting towards the appeal site. Whilst views

from the ground floor window into the proposed garden area would likely be adequately mitigated by an appropriate form of enclosure, this would not be the case for the first floor opening that would be within approximately 1 metre of the boundary. Although I acknowledge that this window is currently obscure glazed, I consider its position relative to the appeal proposal would result in a perception of lack of privacy for future occupiers. Furthermore, having regard to the evidence before me I am not aware of any ongoing requirement for the first floor opening to be maintained with obscure glazing or that there are restrictions to its opening to minimise views towards the proposed garden area. To my mind, this relationship would further diminish the quality of the proposed amenity space for future occupiers.

12. Owing to the separation and position of openings within the rear elevation of the principal element of the building at No 79, to my mind significant views of the proposed garden area would be diminished by the position of the existing outrigger. Therefore, in isolation I consider that this relationship would not result in an unacceptable loss of privacy for future occupiers, although I still find harm for the reasons identified above.
13. I also note the appellants comments with regard to the proposal meeting national space standards, provision of outlook for future occupiers, and the level of outdoor space serving occupiers of existing flats and their lack of access to the appeal site. However, to my mind, none of these matters would outweigh the harm identified above to justify allowing a form of development that would provide an inadequate form of outdoor garden space for future occupiers.
14. For the above reasons, I conclude that the proposal would not provide a satisfactory environment for occupiers of the proposed dwelling. As such, it would not accord with the living conditions aims of Policy SD14 of the JCS, that seeks new development must, amongst other things, cause no unacceptable harm to local amenity. The proposal would also fail to accord with the living conditions aims of the Framework, including those within Section 12.

Other Matters

15. I acknowledge the appellants indication that the provision of an additional dwelling of the type and form proposed would be a benefit of the scheme serving a suggested need and the housing mix requirements of Policy SD11 of the JCS. However, having regard to the evidence before me, I am not persuaded that the provision of one such unit would outweigh the harm I have identified above with regard to the main issues.

Conclusion

16. Accordingly, for the reasons outlined above and taking into account all other matters raised, I conclude that the appeal should be dismissed.

Robert Lankshear

INSPECTOR