



Appeal Decision

Site visit made on 1 September 2020 by Ben Phillips Bsc Msc

Decision by Kenneth Stone BSc(Hons) DipTP MRTPI

An appointed by the Secretary of State

Decision date: 12 October 2020

Appeal Ref: APP/U1620/D/20/3254075

33 Churchill Road, Gloucester GL1 5BS

- 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 Zain Patel against the decision of Gloucester City Council.
 - The application Ref 20/00043/FUL, dated 9 January 2020, was refused by notice dated 12 March 2020.
 - The development proposed is described as a proposed increase of first floor extension by 2500m.
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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. The main issue in this case is the effect of the proposed extension on the living conditions of the occupants of No 35 Churchill Road, with particular regard to light and outlook.

Reasons for Recommendation

4. The semi-detached appeal property sits along a quiet and pleasant residential street, which is mostly made up of semi-detached dwellings of similar scale and character, set back consistently from the highway.
5. Whilst the proposed extension would be full width at single storey level, the first floor would be set back from the boundary with the attached neighbour, No 31. However, with regards to the boundary with No 35, the extension would extend a total of 7m on the western side at two storey level, approximately 1m from the shared boundary with this neighbour.
6. The appellants have provided sun shadow analysis drawings which illustrate that the proposed extension would be unlikely to significantly affect the amount of light that the rear rooms of No 35 would receive, compared to a previously approved scheme¹, which my site visit showed is currently under construction. Whilst this shows a slight increase in overshadowing at certain times of the day, in the absence of substantive evidence to indicate otherwise, I conclude

¹ Application reference 18/00469/FUL

that the proposal would be unlikely to affect light reaching No 35 to a degree that would be harmful to its occupiers' living conditions.

7. However, the additional 2.5m depth at first floor level over the previously approved development would, as a result of its height, scale and relationship to No 35, result in an overbearing, dominant, imposing blank wall in close proximity to the rear garden and conservatory of No 35. It would have an adverse effect upon the current pleasant outlook from these areas and would make the conservatory less pleasant to use as a result, as well as the rear garden.
8. It is noted that the development is considered acceptable by the Council in all other respects. However, this is to be expected of any well-designed development and is not a significant positive aspect in favour of the proposal. Consequently, it does not outweigh the harm to neighbouring amenity identified.
9. I conclude therefore that the proposal would adversely affect the outlook from the rear of No 35 and its garden, which would be harmful to the living conditions of its occupiers. This would be in conflict with development plan Policies SD4 and SD14 of the Gloucester, Cheltenham & Tewksbury Joint Core Strategy 2011-2031 (2017), Policy A9 of the emerging Gloucester City Plan 2011 - 2031 (2019), the Council's Supplementary Planning Document Home Extension Guide (2008), and chapter 12 (paragraph 127) of the National Planning Policy Framework, which collectively seek to adequately protect and ensure development causes no material harm to the living conditions of adjoining occupiers.

Conclusion

10. For the reasons given above and having had regard to all other matters raised, I recommend that the appeal should be dismissed.

B Phillips

APPEALS PLANNING OFFICER

Inspector's Decision

11. 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