



Appeal Decision

Site Visit made on 10 November 2020 by A J Sutton BA Hons DipTP MRTPI

by R C Kirby BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 6 January 2021

Appeal Ref: APP/U1620/W/20/3256875

92 Bristol Road, Quedgeley, Gloucester, GL2 4NA.

- 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 Garry Lewis against the decision of Gloucester City Council.
 - The application Ref 19/01029/FUL, dated 26 September 2019, was refused by notice dated 15 April 2020.
 - The development proposed is erection of 2 no two bedroom houses to rear of property.
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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 Issues

3. The main issues are the effect of the proposed development on the:
 - character and appearance of the area; and
 - the living conditions of occupiers of Nos 90, 92 and 94 Bristol Road, with regards privacy when using their rear gardens.

Reasons for Recommendation

Character and Appearance

4. The appeal site is a section of the rear garden of No 92. The property forms part of a short row of dwellings fronting Bristol Road with long rear gardens set in a linear pattern. The surrounding area is predominately residential, interspersed with commercial units and is characterised by piecemeal development.
5. The residential development to the rear of the appeal site, Carters Orchard, is a relatively recent addition. It has a different design context, which abuts but does not disrupt the layout of properties on this part of Bristol Road. Whilst the development pattern in the wider area may appear discordant, properties in the immediate setting of the appeal site generally have road frontages and successive developments appear well integrated, with discrete groupings forming a relatively coherent layout.

6. The proposed development would comprise two dwellings to be positioned mid-way in the existing rear garden. It would result in an island like development, with plots sizes significantly smaller than the established layout and with an absence of road frontage, which would interrupt the pattern of development in the immediate area. In doing so the new dwellings would neither relate to existing properties on Bristol Road or to the development to the rear of the site. As such it would create an incoherent pattern of development and would fail to reflect the existing character of the area.
7. Given the above, I conclude that the proposed development would not integrate with its surroundings and would have a harmful effect on the character and appearance of the area, in conflict with Policies SD4, SD10 and SD14 of the Gloucester, Cheltenham and Tewkesbury Joint Core Strategy 2017 (JCS) which collectively require that new development should be of a high quality which responds positively to, and respects the character of the site and its surroundings.
8. These policies are in broad conformity with the National Planning Policy Framework (Framework) which states that good design is a key aspect of sustainable development, and that planning decisions should ensure that developments are sympathetic to local character and establish or maintain a strong sense of place¹, and the National Design Guide which sets out that well-designed developments are, amongst other matters, integrated into their surroundings, so they relate well to them and form a coherent pattern of development.

Living Conditions

9. The rear gardens of Nos 90, 92 and 94 have a sense of openness, with side boundary fences offering a degree of privacy between the respective properties. Development to the rear and side of these properties has been designed in such a way as to minimise overlooking between the respective properties, with only two storey dwellings on Carters Orchard on the rear boundary of No 94 having views over the long gardens. As a result, these gardens are likely to be pleasant places within which to spend time in.
10. The principal elevations of the proposed dwellings would face the remaining rear garden of No 92 and those of adjacent properties on Bristol Road and would be substantially closer to the rear elevations of these properties than the existing development at the rear. Any future occupants of the new dwellings would have clear and close views of nearby rear gardens from the first-floor windows. This would result in occupants of Nos 90, 92 and 94 experiencing a sense of being overlooked when using their gardens and a loss of privacy as a result. The proposal would make the gardens less enjoyable places to use.
11. I acknowledge that in built up areas there is often a degree of mutual overlooking of garden spaces, however in this case the new dwellings would be located in a position which would result in a material loss of privacy to these largely private outdoor spaces. The development at Yew Tree Close does not provide justification for harmful development.
12. In light of the above I conclude that the proposed development would have a harmful effect on the living conditions of the occupiers of Nos 90, 92 and 94

¹ Paragraphs 124 and 127

Bristol Road, with regards to a loss of privacy when using their rear gardens, contrary to Policy SD14 of the JCS which states that new development must, amongst other matters, cause no unacceptable harm to local amenity including the amenity of neighbouring occupants. The proposal would also be inconsistent with the Framework which seeks good design that creates better places in which to live and work and helps make development acceptable to communities, with a high standard of amenity for existing and future users.

Other Matters

13. I have had regard to all the cited examples of residential developments at the rear of existing dwellings or commercial units on or adjacent to Bristol Road. The developments are located some distance from the appeal site and/or where the character of the area differs to the existing pattern of development and layout which is before me in this case. As such these examples have limited weight in my consideration of this appeal.
14. I observed the current condition of No 94, however I must consider the effect of the proposed development on the living conditions of future occupants and have identified harm in this respect. Furthermore, proposals at Nos 94 and 96 have not secured planning permission and intent for development at No 90 is anecdotal, therefore these matters have not been determinant in this case.
15. The proposal would make a small contribution to the Government's objectives in respect to boosting the supply of housing and is seeking to make effective use of land in an existing settlement. Proposed sustainable construction principles are also noted. However, for the reasons outlined above, these small benefits would be outweighed by the harm to the character and appearance of the area and the detrimental effect the proposal would have on the living conditions of occupiers of neighbouring dwellings.

Conclusion and Recommendation

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

A J Sutton

APPEAL PLANNING OFFICER

Inspector's Decision

17. I have considered all the submitted evidence and concur that the appeal should be dismissed.

RC Kirby

INSPECTOR