
Appeal Decision

Site visit made on 25 January 2021 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: 10 February 2021

Appeal Ref: APP/G1630/W/20/3261538

Land to the rear of 54 and 52a Rookery Road, Innsworth, Gloucester, GL3 1AU

- 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 Trevor Thorn, My Choice Homes Ltd. against the decision of Tewkesbury Borough Council.
 - The application Ref 20/00332/FUL dated 10 April 2020, was refused by notice dated 5 August 2020.
 - The development proposed is change of use of a double garage to one bed dwelling for disabled person(s).
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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.

Preliminary Matters

3. My attention has been drawn to emerging development plan policies. The Tewkesbury Borough Local Plan (Emerging Plan) has been submitted for examination and is at an advance stage. I therefore attach moderate weight to it and the policies therein.

Main Issues

4. The principle of the development at this location is not a matter of dispute in this case. Therefore, the main issues are the effect of the proposed development on the:
 - character and appearance of the area; and
 - whether satisfactory living conditions would be provided to future occupants of the dwelling with regards to privacy of the garden space.

Reasons for Recommendation

Character and Appearance

5. The appeal site is within a residential area which is generally characterised by semi-detached properties. Whilst there are bungalows in the wider residential

area, the street scene near the appeal site is defined by a general sense of uniformity and consistency in terms of the two-storey built form in respect to dwellings.

6. Although there would be no change to the mass of the existing structure, the character of the building would be significantly altered from that of an outbuilding to a residential unit with doors, fenestration and other paraphernalia associated with a dwelling. The proposed dwelling would, as a result of its scale and design, be an incongruous and distinct oddity in the street scene and would relate poorly to the surrounding two storey dwellings.
7. Consequently, the proposed development would be harmful to the character and appearance of the area, contrary to the aims of saved Policy HOU9 of the Tewkesbury Local Plan 2006 and Policies SD4 and SD10 of the Gloucester, Cheltenham and Tewkesbury Joint Core Strategy 2017 (JCS) which amongst other matters, collectively require development to respect the character of the site and its surroundings.

Living Conditions

8. A degree of overlooking is to be expected in a suburban setting where the grain of development is close, such as this. However, the rear garden space of the proposed dwelling would be the only outdoor space provided for the intended future occupiers to use and it would be located close to upper floor rear windows within No 54 and its attached property. From these windows there would be significant direct overlooking of this garden space and consequently it would not be a private and pleasant area for future occupiers to spend time in.
9. The provision of a pergola on the boundaries of the site would not sufficiently mitigate this harm because of the commanding position these neighbouring properties occupy, relative to the appeal site. Furthermore, a condition could not address the harm identified, as in order to achieve an acceptable level of privacy, a substantial structure would be required which would enclose an already small space and would make it an unpleasant space to use.
10. It is therefore concluded that the proposed development would not provide satisfactory living conditions for the future occupants of the dwelling because of the lack of privacy that would be afforded to the rear garden, in conflict with Policies SD4 and SD14 of the JCS which collectively require that new development must cause no unacceptable harm to local amenity.

Planning Balance and Conclusion

11. Policy SD11 of the JCS supports proposals for specialist accommodation, including for older people and people with disabilities, where there is evidence of the need for this type of accommodation. Although I have no substantive evidence before me to demonstrate a need for specialist accommodation, I am satisfied that the proposed small dwelling would contribute to the mix and supply of housing in the area, in accordance with Policy RES 8 of the Emerging Plan, the Council's Strategic Housing Market Assessment and the National Planning Policy Framework's objective of delivering a sufficient supply of homes. I attach moderate weight to this matter.
12. Adequate parking provision and space for bin storage amongst other matters would be expected of any well-designed development and therefore these are neutral factors in this case.

13. The benefits outlined would be moderate given the quantum of development proposed and against these benefits is the significant harm that would be caused to the character and appearance of the area and the living conditions of the intended future occupiers, in conflict with the development plan. It is therefore concluded that the adverse impacts of granting planning permission for the proposal would significantly and demonstrably outweigh the benefits. The material considerations in this case do not justify making a decision other than in accordance with the development plan, taken as a whole.

Recommendation

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

A J Sutton

APPEAL PLANNING OFFICER

Inspector's Decision

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

RC Kirby

INSPECTOR