
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: 11 February 2021

Appeal Ref: APP/U1620/W/20/3261912

Land Adjacent to 39 Upton Street, Gloucester, Gloucestershire, GL1 4JX

- 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 Tom Edwards against the decision of Gloucester City Council.
 - The application Ref 20/00088/FUL, dated 28 January 2020, was refused by notice dated 24 April 2020.
 - The development proposed is described as 'Proposed dwelling on land adjacent to 39 Upton Street.'
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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 Gloucester City 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 Council states the principle of the development would be acceptable. Therefore, the main issues in this case are the effect of the proposed development on the:
 - Character and appearance of the area;
 - The living conditions of occupants of Nos 37 and 39 with regards to light and outlook; and
 - Whether satisfactory living conditions would be provided for future occupants of the proposed dwelling with regards to light, outlook and internal space.

Reasons for Recommendation

Character and Appearance

5. Dwellings near the appeal site have a degree of uniformity defined by gabled end terraces and paired properties, with a building line close to the road and following the curve of the street. These features are reflected in the properties which flank the appeal site.
6. The front elevation of the proposed dwelling would be set back considerably further from the road than nearby properties, such that it would almost be in line with the rear elevation of No 39. It would substantially harmfully interrupt the flow of development on this part of Upton Street.
7. The harm to the street scene would be accentuated by the proposed uncharacteristic gable fronted form of the dwelling, which would unsympathetically contrast with the terrace to which it would be partially attached and to dwellings on its west boundary. As such it would appear a poorly designed, awkward and an incongruous addition to the area.
8. The proposed development would therefore harm the character and appearance of the area, and would be contrary to Policy SD4 of the Gloucester, Cheltenham and Tewkesbury Joint Core Strategy 2017 (JCS) which states that new development should respond positively to, and respect the character of, the site and its surroundings. It would also be inconsistent with design policies of the National Planning Policy Framework which seek well-designed places, which are sympathetic to local character and history, including the surrounding built environment.

Living Condition of Occupants of Nos 37 and 39

9. The proposed two-storey built form would extend along a considerable portion of the rear garden of No 39. Taking account of the respective orientations, the proposed dwelling would overshadow a large section of the modest rear garden of No 39 and would lead to materially less light reaching rear windows of the dwelling particularly during the afternoon period.
10. The solid form would also substantially fill the relatively open rear aspect which currently comprises a yard with low-profile structures. In light of its proposed proximity, it would be an overbearing feature when viewed from the rear windows of No 39 and from within its rear garden.
11. Consequently, the rear habitable rooms and most of the rear garden would be less pleasant places for occupants of No 39 to use. It is therefore concluded that the proposed development would be harmful to the living conditions of the occupants of No 39 with regards to light and outlook, contrary to Policies SD4 and SD14 of the JCS which collectively require that new development must cause no unacceptable harm to local amenity including the amenity of neighbouring occupants.
12. The proposed development would however be sufficiently set back so that it would not overshadow the side elevation of No 37. Nor would it substantially alter the outlook from the side upper floor window of No 37 for this reason. Whilst the built form would be close to the side ground floor windows of No 37, the outlook from these windows is already partially obscured by the boundary fence and overshadowed by No 39. The proposed northerly position of the

development would ensure there would be no material loss of light to these windows and it would not appear particularly overbearing when viewed from the rooms the windows serve. The proposal would provide a good standard of living conditions for the occupiers of No 39, in accordance with the policies cited above.

Living Conditions of Occupants of the Proposed Dwelling

13. The outlook from windows in the front elevation of the proposed dwelling would be dominated by the attached solid side elevation of No 39, and the side wall of No 37. The resultant configuration would lead to an enclosing and overbearing outlook from the windows of the front habitable rooms of the proposed dwelling, which would make the rooms that these windows serve unpleasant to use.
14. Notwithstanding the above, the southerly aspect of the new dwelling would ensure sufficient light would be afforded the front elevation of the proposed dwelling. Moreover, the internal accommodation would be large enough to accommodate furniture and furnishings associated with a family sized dwelling such as this, and accordingly the appeal does not fall on these matters.
15. However, the poor outlook from the front of the dwelling is such that a poor quality living environment would be provided for the future occupants of the proposed dwelling, which would not be offset by my findings above. Accordingly, I conclude that satisfactory living conditions for future occupants of the proposed dwelling with regards outlook would not be provided, contrary to Policy SD14 of the JCS.

Conclusion and Recommendation

16. For the reasons outlined, and having regard to all matters raised, it is concluded that the proposed development would harm the character of the area, the living conditions of occupants of No 39 with regards to outlook and light and would not provide satisfactory living conditions for future occupants of the proposed dwelling in respect to outlook. The proposal would conflict with the development plan taken as a whole and there are no material considerations before me which indicate that a decision should be made other than in accordance with it. Accordingly, 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