
Appeal Decision

Site visit made on 23 March 2021

by James Taylor BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 6 April 2021

Appeal Ref: APP/U1620/W/20/3264399

Land to rear of 11 Shakespeare Avenue, Gloucester GL2 5AW

- 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 M Halford against the decision of Gloucester City Council.
 - The application Ref 20/00639/FUL, dated 2 July 2020, was refused by notice dated 11 November 2020.
 - The development proposed is the erection of a detached bungalow.
-

Decision

1. The appeal is allowed and planning permission is granted for the erection of a detached bungalow at land to the rear of 11 Shakespeare Avenue, Gloucester GL2 5AW in accordance with the terms of the application, Ref 20/00639, dated 2 July 2020, subject to the attached schedule of conditions.

Application for costs

2. An application for costs was made by Mr M Halford against Gloucester City Council. This application is the subject of a separate Decision.

Main Issue

3. The main issue is the effect of the proposal on the character and appearance of the area.

Reasons

4. Policy SD4 of the Gloucester, Cheltenham and Tewkesbury Joint Core Strategy 2011-2031, Adopted 11th December 2017 (the CS) sets out design requirements for development. Amongst a number of principles this establishes that new development should respond positively to, and respect the character of, the site and its surroundings. Furthermore, paragraph 127 of the National Planning Policy Framework (the Framework) requires development to be sympathetic to local character while not preventing or discouraging appropriate innovation or change (such as increased densities).
5. The proposal is a revised scheme following a dismissed appeal¹ for a larger dwelling on the site. I am mindful of the importance of consistency in decision making and, as such, I am recognisant of the previous Inspector's findings in regard to the character and appearance of the area and the harmful effect of

¹ PINS ref: APP/U1620/W/18/3218938

those proposals in this regard. However, I have carried out a site visit and made my own observations. Moreover, I note that the proposal before me is different in scale and form. Consequently, the dismissed planning appeal is not necessarily determinative of the proposal before me.

6. The appeal area is an enclosed backland site to the rear of 11 Shakespeare Avenue, a semi-detached shallow pitched bungalow. There are a number of similar dwellings along Shakespeare Avenue and Shelley Avenue fronting onto the highway with back to back gardens. These generate an open character to the rear of the housing. The proposed bungalow would be sited in this area, on the southern periphery. Immediately adjacent to the appeal site are 2-storey and 4 storey buildings within a communal complex.
7. The height and footprint of the proposal has been substantially reduced compared to the earlier scheme. Consequently, the proposal would now be a modest and simply designed single-storey, low-profile, one-bedroom bungalow. Relative to no 11 it would appear proportionate in size and scale. Furthermore, the proposal would not be prominent from public vantage points. Some glimpsed views would remain from Shakespeare Avenue and Betjeman Close. However, even where visible, the proposal would be viewed in the context of, and against, the varied materials and designs of the local built form.
8. The proposal would nominally reduce the open character at this point and have a negligible impact on the existing development pattern. However, given the proposal's size and scale it would be comparable to any outbuilding that may be found in such a backland context. Furthermore, the gentle densification of the area would facilitate a modest additional dwelling and a more efficient use of land. As such, the proposal would respond positively to, and respect the character of, the site and surrounds through appropriate change.
9. Therefore, in conclusion on the main issue, the proposal would not harm the character and appearance of the area. As such, the proposal would not conflict with Policy SD4 of the CS or Section 12 of the Framework.

Conditions and conclusion

10. The Council have suggested a number of conditions and the appellant has confirmed that they have no objections to them. I have made minor amendments to the wording for clarity. I have imposed the standard commencement and approved plans conditions in the interests of completeness and certainty. Furthermore, I have required details of the surface water drainage in the interests of sustainability. To promote sustainable travel, I have attached conditions to require an electric charging point and cycle storage. In the interests of highway safety, I have imposed a condition regarding the access provision. However, I have not imposed the suggested condition to restrict permitted development rights, as, based on the limited evidence before me, I do not find such a condition to be reasonable or necessary.
11. There are no material considerations that indicate the application should be determined other than in accordance with the development plan. For the reasons given above, I therefore conclude that the appeal should be allowed.

James Taylor

INSPECTOR

Attached schedule of conditions:

- 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the application form and the following approved plans: 818/PL01, 818/PL03A and 818/PL04C.
- 3) The development hereby permitted shall not commence until details for the disposal of surface water have been submitted to and approved in writing by the Local Authority. The details submitted shall include proposals for the disposal of surface water in accordance with the principles of Sustainable Urban Drainage Systems (SUDS). The details shall be implemented prior to the first use or occupation of the dwelling hereby permitted and maintained as such thereafter.
- 4) The development hereby permitted shall not be first occupied until the proposed dwelling has been fitted with an electric vehicle charging point. The electric vehicle charging point shall be retained for the lifetime of the development unless it needs to be replaced, in which case, the replacement charging point shall be of the same specification or a higher specification in terms of charging performance.
- 5) The development hereby permitted shall not be first occupied until cycle storage facilities for one bicycle (within covered, secure, and externally accessible space) has been made available for use. The facility shall be maintained as such thereafter.
- 6) The development hereby permitted shall not be first occupied until the vehicular access has been laid out and constructed in accordance with the submitted plan. Furthermore, any gates shall be situated at least 5.0m back from the carriageway edge of the public road and hung so as not to open outwards towards the public highway. Additionally, at least the first 5.0m of the access from the carriageway edge of the public road shall be surfaced in a bound material. The vehicular access shall be maintained as such thereafter.