

Appeal Decisions

Site Visit made on 18 May 2021

by Mr Stuart Willis MSc, BA (Hons), PGCE, MRTPI

an Inspector appointed by the Secretary of State

Decision date: 15 June 2021

Appeal A, APP/U1620/W/21/3266985

Land adjacent to 106 Stroud Road, Gloucester GL1 5JN

- 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 Tim Farley against the decision of Gloucester City Council.
 - The application Ref 20/00468/FUL, dated 1 June 2020, was refused by notice dated 24 November 2020.
 - The development proposed is construction of 1 no. single storey bungalow.
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Appeal B, APP/U1620/W/21/3267000

106 Stroud Road, Gloucester GL1 5JN

- 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 Tim Farley against the decision of Gloucester City Council.
 - The application Ref 20/00468/FUL, dated 8 June 2020, was refused by notice dated 14 October 2020.
 - The development proposed is demolition of existing side extension and construction of 1 no. 3 bedroom house.
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Decisions

1. Appeal A is dismissed.
2. Appeal B is allowed and planning permission is granted for demolition of existing side extension and construction of 1 no. 3 bedroom house at 106 Stroud Road, Gloucester GL1 5JN in accordance with the terms of the application, Ref 20/00468/FUL, dated 8 June 2020, subject to the conditions in the attached schedule.

Preliminary Matters

3. I have taken the addresses and descriptions of development in the banner heading above from the application form. Although there are some differences to that on the decision notices, no confirmation has been provided that changes were agreed.
4. As part of their appeal submissions the appellant provided additional floor plans for Appeal B. Although not before the Council when determining the application, these were for clarification purposes and did not alter the main elements of the scheme. Against this backdrop, no injustice would be caused to any appeal party or third party if I were to take these plans into account. The plans before me are sufficiently accurate to assess the proposal without being prejudicial to interested parties and I have considered the appeal on that basis.

Main Issues

Appeal A

5. The main issues of the appeal are:

- The effect of the proposed development on the character and appearance of the area,
- Whether the proposed development would provide appropriate living conditions for future occupiers, with particular regard to outlook, privacy, outdoor amenity space, noise and disturbance, crime, and daylight and sunlight; and
- Highway safety, with particular regard to the adequacy of parking provision.

Appeal B

6. The main issue of the appeal is the effect of the proposed development on the character and appearance of the area.

Reasons

Appeal A

Character and Appearance

7. There is a consistency to the position of dwellings and plot layouts in the rows of properties adjacent to the appeal site. While there are some single storey outbuildings located behind properties, dwellings are predominantly arranged in a linear pattern. In contrast, the proposal would introduce a property to the rear of others that would be uncharacteristic of the streets around the appeal site. While the appearance of the dwelling is not unusual, the proposed bungalow would be incongruous with nearby dwellings that are primarily tall 2 storey properties.
8. The proposed garden would be of a limited size to the side of the dwelling with the appeal building being close to its front and rear boundary. This would be discordant with the general pattern of properties adjacent to the site where they are set in from their front boundaries and with rear gardens.
9. The above factors would lead to a cramped appearance at the appeal site, at odds with the more spacious feel that the consistent pattern of development currently gives to the adjacent rows of properties. While there would be limited views of the site from the streets to the front, the incongruity would be obvious from the rear lanes and nearby dwellings.
10. I do not have details of the policy context or material considerations that led to the bungalows on the opposite side of Stroud Road being given planning permission. Notwithstanding this, from my observation on site, although located behind other properties, this is a cul-de-sac development of 3 bungalows in more spacious plots than the scheme before me. Therefore, it is materially different to this proposal.
11. Consequently, the proposed development would unacceptably harm the character and appearance of the area. The scheme would fail to accord with

Policies SD4 and SD10 of the JCS¹. These, in part, requires schemes to respond positively to, and respect the character of, the site, its surroundings and local environment. In addition, it would be contrary to the National Planning Policy Framework (Framework) where it seeks to ensure schemes are sympathetic to local character.

Living Conditions

12. Given the footprint of the dwelling, layout and depth of the plot, along with parking and turning facilities, there is little scope remaining for private outdoor space. No detailed evidence has been provided of other dwellings in the area with similar sized gardens or to demonstrate that there would be a reasonable area for future occupiers to use. Unlike other nearby properties there would be no space to the front or rear. The size of the outdoor space proposed would be inadequate.
13. There would be large openings on to the proposed garden area and for other rooms. However, the proximity of the proposed openings to boundary treatment means that the outlook for future occupants of the proposed dwelling would be restricted and uninviting.
14. The dining/living and kitchen area, as well as one of the bedrooms, would have more than one opening and be dual aspect. Consequently, despite being close to boundary treatments, given this and the size of the openings they would allow sufficient daylight and sunlight to enter the rooms they serve.
15. There are several first-floor windows at nearby properties facing the appeal site. Nonetheless, some overlooking between properties is inevitable and tolerable in residential areas and already occurs. The existing boundary treatments and mature landscaping within the plot and nearby gardens screen views into much of the site. Views from the nearby properties along Stroud Road, would be angled. In addition, given the relatively lengthy rear gardens, views into the site would not be close range. Therefore, sufficient privacy would be provided.
16. There are several garages and properties accessed off the lane leading to the site. This is likely to involve some degree of pedestrian movements taking place along it already. Moreover, there is some lighting along the rear lane and windows overlooking part of the route at properties along Stroud Road. As such, the scheme would not lead to a fear of crime for future occupiers when accessing the site.
17. At my site visit, which I appreciate is only a snapshot in time, the appeal site and lane to the rear was relatively quiet. Although the presence of garages and nearby commercial uses would cause some noise and disturbance, there are residential gardens and the outdoor space for 106 Stroud Road adjacent to the site. Were the appeal to be allowed, conditions could be imposed with regard to boundary treatments. Therefore, any noise and disturbance would not be significant.
18. I note that one of the bedrooms would have a single window located close to the rear boundary. This would limit the light that could reach the room and the outlook from it. However, this matter has not been discussed in detail by the

¹ Gloucester, Cheltenham and Tewkesbury Joint Core Strategy 2011 - 2031

parties and as I have found sufficient harm to warrant dismissing the appeal there is no need for me to consider the matter further.

19. In any event, the proposed development would fail to provide appropriate living conditions for future occupiers with regard to outlook and outdoor amenity space. It would fail to comply with Policy SD14 of the JCS where it seeks to ensure appropriate amenity is provided. Moreover, it would be contrary to the Framework where it seeks to create a high standard of amenity for future users.

Highway Safety

20. It is indicated that planning permission has been sought for the demolition of 106 Stroud Road and that for Council tax purposes the property is a dwelling. I acknowledge the stated intentions of the appellant not to re-open the site as a nursery. Nonetheless, from the evidence before me there is no planning restriction currently in place, and none has been suggested to me, that would prevent 106 Stroud Road being used as a nursery.
21. The proposed development would result in the loss of the existing parking area for the nursery. There are on street parking restrictions along Stroud Road which was relatively busy at the time of my visit. There were also queues of vehicles leading from the nearby traffic lights to and beyond the site at times.
22. Vehicles associated with the nursery would be likely to park on the street. In light of the parking restrictions in the nearby streets limiting the on-street spaces available, this would lead to instances of dangerous and obstructive parking such as on yellow lines, at road junctions, on footways or across driveways. This would contribute to highway congestion and as a result would compromise highway safety.
23. The loss of parking for the nursery is said to have not been a reason for refusal in a previous application at the site. However, I do not have full details of that scheme and in any event, I have considered the scheme on its own individual merits on the basis of the information before me.
24. The proposed development would unacceptably harm highway safety with regard to the adequacy of parking provision. The scheme would fail to accord with Policy INF1 of the JCS where it seeks to ensure safe and accessible connections to the transport network. It would also be contrary to the Framework where it states that safe and suitable access should be achieved for all users and minimise the scope for conflicts between pedestrians, cyclists and vehicles.

Other Matters

25. The conduct of the Council during the application is not a matter that effects my findings on the main issues of the appeal.

Conclusion

26. The proposal conflicts with the development plan when considered as a whole and there are no material considerations, either individually or in combination, that outweighs the identified harm and associated development plan conflict.
27. For the above reasons, I conclude that the appeal should be dismissed.

Appeal B

28. While the appeal scheme would be narrower than the adjacent properties, there is no consistent building footprint or plot widths in Stroud Road. It would not be significantly narrower and would follow the existing building line. The dwelling would fill much of the plot width. Nevertheless, there is variation in the spacing between properties in the street with several existing ones extending across much of their plots.
29. The external appearance and materials would reflect the attractive period properties along Stroud Road and be largely similar to the adjacent detached dwelling. The pitched roof and proportions of the proposed dwelling would be more in keeping with the streetscene than the existing flat roof single storey extension it would replace.
30. Consequently, the proposed development would not harm the character and appearance of the area. As such it would accord with Policy SD4 of the JCS where it requires schemes to respond positively to, and respect the character of, the site. In addition, it would comply with the Framework where it seeks to ensure schemes are sympathetic to local character.

Other Matters

31. The Council refer to one of the bedrooms falling below the dimensions set out in the THS² but did not consider this breach sufficient to include as a reason for refusal. No conflict has been identified with all other requirements of the THS, including the overall size for 3-bedroom properties and size of the other bedrooms. Therefore, in light of these factors in this instance adequate accommodation would be provided and the shortfall does not warrant withholding planning permission.

Conditions

32. In addition to the standard time limit condition, I have imposed a condition requiring that the development is carried out in accordance with the approved plans. This is to provide certainty. A condition requiring samples of the external materials to be submitted and agreed in order to safeguard the character and appearance of the area is imposed.
33. A condition requiring the provision and retention of parking and turning facilities is imposed in the interest of highway safety. Conditions to provide cycle storage and an electric vehicle charging point are necessary to facilitate sustainable transport options. Details of surface water disposal are conditioned to ensure appropriate drainage.
34. Where necessary and in the interests of clarity and precision I have altered the suggested conditions to better reflect the relevant guidance.

Conclusion

35. For the reason given, and having taken all other matters raised into account, I conclude that the appeal should be allowed subject to the conditions in the schedule below.

² Technical Housing Standards-Nationally Described Space Standard (THS)

Stuart Willis

INSPECTOR

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 following approved plans: Ground Floor Plan Appendix 2a; First Floor Plan Appendix 2b; Existing Site Plan 19023.2A; Location Plan 19023.2; Existing Block Plan 19023.9; Proposed Block Plan 19023.1A; Block Plan – Existing Levels and Boundary Treatment 19023.6; Elevations Scale 1:100; and Street Elevation 19023.
- 3) The dwelling hereby permitted shall not be occupied until the car/vehicle parking and turning space have been laid out within the site in accordance with Proposed Block Plan 19023.1A and those areas shall thereafter be kept available at all times for those purposes.
- 4) The dwelling hereby permitted shall not be occupied until the cycle parking provision shown on Proposed Block Plan 19023.1A has been completed, and thereafter, be kept available for the parking of cycles only and retained for the lifetime of the development.
- 5) The dwelling hereby permitted shall not be occupied until it has been fitted with an electric vehicle charging point. The charging point shall comply with BS EN 62196 Mode 3 or 4 charging and BS EN 61851 and shall be retained for the lifetime of the development unless replaced with a charging point of the same specification or a higher specification in terms of charging performance.
- 6) Other than the demolition of the existing side extension, no development shall commence until surface water drainage works shall have been implemented in accordance with details that shall first have been submitted to and approved in writing by the local planning authority. Before any details are submitted to the local planning authority an assessment shall be carried out of the potential for disposing of surface water by means of a sustainable drainage system, having regard to Defra's non-statutory technical standards for sustainable drainage systems (or any subsequent version), and the results of the assessment shall have been provided to the local planning authority. Where a sustainable drainage scheme is to be provided, the submitted details shall:
 - i. provide information about the design storm period and intensity, the method employed to delay and control the surface water discharged from the site and the measures taken to prevent pollution of the receiving groundwater and/or surface waters;
 - ii. include a timetable for its implementation; and,
 - iii. provide, a management and maintenance plan for the lifetime of the development which shall include the arrangements for adoption by any public authority or statutory undertaker and

any other arrangements to secure the operation of the scheme throughout its lifetime.

- 7) Other than the demolition of the existing side extension, no development shall commence until details/samples of the materials to be used in the construction of the external surfaces of the development hereby permitted shall be submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details/samples.