



Appeal Decision

Site Visit made on 18 May 2021

by Stuart Willis BA Hons MSc PGCE MRTPI

an Inspector appointed by the Secretary of State

Decision date: 16 July 2021

Appeal Ref: APP/U1620/W/21/3269592

2 Cross Cottages, Rea Lane, Gloucester GL2 5LP

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a failure to give notice within the prescribed period of a decision on an application for planning permission.
 - The appeal is made by Mr Caine Johnson against Gloucester City Council.
 - The application Ref 20/00903/FUL, is dated 1 September 2020.
 - The development proposed is demolition of existing extension and two storey extension to rear and side of property.
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Decision

1. The appeal is allowed, and planning permission is granted for demolition of existing extension and proposed two storey extension to rear and side of property at 2 Cross Cottages, Rea Lane, Gloucester GL2 5LP in accordance with the terms of the application, Ref 20/00903/FUL, is dated 1 September 2020, subject to the below 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: As Existing Plans And Elevations Including Site Location And Block Plan Drawing No CJ-2CC-RL-H-G-001; and As Proposed Plans And Elevations Drawing No CJ-2CC-RL-H-G-002C.
 - 3) Prior to their installation details of the following, including scale plans, shall be submitted to and agreed in writing by the local planning authority:
 - All new windows to the front elevation,
 - Rainwater goods, and
 - Facia boards,

The development shall be carried out in accordance with the approved details.
- 4) No above ground works shall commence until details / samples of the materials to be used in the construction of the external surfaces of the extension hereby permitted have been submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details / samples.

Preliminary Matters

2. The appellant lodged an appeal against non-determination after the expiry of the statutory period without the Council having issued a decision. They

subsequently in their submissions stated that had they determined the application they would have refused it for reasons relating to the effect on living conditions of nearby occupiers and on the character and appearance of the area.

3. The appellant has had the opportunity to respond to these matters in their final comments. Therefore, they would not be prejudiced by my taking these into account and forming the main issues.

Main Issues

4. The main issues of the appeal are:

- Whether the proposed development would preserve or enhance the character or appearance of the Hempstead Conservation Area (CA), and
- The effect of the proposed development on the living conditions of the occupiers of nearby properties, with particular regard to privacy, outlook daylight and sunlight.

Reasons

Character and Appearance

5. The appeal site is located within the CA. As such I have had regard to the duty to pay special attention to the desirability of preserving or enhancing its character or appearance.
6. From my observations, the significance of the CA lies, in part, in the irregular layout and size of plots and verdant appearance of the streets with open views out of the CA to its edge. There is a diverse appearance and scale to the built form. Traditional properties such as the appeal site are seen with modern dwellings and there is no dominant scale, appearance, or materials nearby.
7. The traditional form and materials of the main part of the original dwelling contribute positively to the character and appearance of the CA. The single storey rear elements of the dwelling, while replicating that of the attached property, do not reflect the proportions or appearance of the existing 2 storey part of the dwelling.
8. Much of the bulk of the proposal would be at the back of the property. While across most of the rear elevation, the depth of the proposal will be less than the existing single storey projections that are largely to be removed and in part on their footprint. Only a section of the rear element would be 2 storey and the varied height would break up the mass of the extensions.
9. The proposal would have differing roof slopes; however, this is currently the case with the single storey additions. The front dormers and rear 2 storey projection would ensure the small difference in angle of the gable ridgelines would not be overly noticeable. The side extension would appear subordinate to the main dwelling being stepped down and back from it and having a limited width. The original dwelling would remain clear and prominent in public views from the road. The appearance of the windows and dormers would reflect the existing dwelling and traditional materials are proposed.

10. Consequently, the proposed development would preserve the character and appearance of the CA. It would accord with the design and conservation aims of Policies SD4 and SD8 of the JCS¹ and the SPD².
11. Furthermore, the development would meet the requirements of Sections 72(1) of the Planning (Listed Building and Conservation Areas) Act 1990 and the National Planning Policy Framework (Framework) in relation to heritage assets.

Living Conditions

12. Some overlooking is expected and tolerable in residential areas and already occurs given the position of dwellings and windows of nearby properties. The proposal would introduce a first-floor window on the rear elevation of the dwelling. Nevertheless, the angle of view would prevent any significant additional overlooking of the garden of 1 Cross Cottages (No 1) that is currently overlooked more directly by 11 and 13 St Swithens Road (No 11 and No 13).
13. There would be more direct close-range views into a garden area for Church Farm. Nonetheless, this area is only a small part of the overall garden for the property. There would still be large areas of private outdoor space that the occupiers of that property could utilise. Boundary treatments would screen views in part and this area is already overlooked to some degree by existing properties.
14. While increasing the height of the current rear projection, the proposed development would reduce its depth and be set in from the boundary at 2 storey level. The ground floor element of No 1 would extend further than the proposed development. The outlook from rear windows would be away from the appeal site. From the property and within its garden there would be alternative outlooks away from the appeal scheme. Windows and garden areas at No 11 and No 13 would face towards the site. However, given the separation distances involved, presence of 2 storey development in the outlook already and availability of views away from the appeal site, the scheme would not appear overbearing.
15. There would be some shadowing to the rear of No 1. Nonetheless, the proposed first-floor element would not project as far as the existing single storey element at the appeal site. The first-floor rear extension is set in from the boundary with No 1. Furthermore, rear elevation windows at No 1 are not orientated towards the appeal site. Consequently, any effect on daylight and sunlight would not be significant.
16. No 11 and No 13 are further from the appeal site. There are boundary treatments, mature landscaping and No 1 itself between them and the site. There is also an outbuilding to the front of No 11. These features would mean any loss of daylight or sunlight at No 11 and No 13 would be limited.
17. Therefore, the proposed development would not unacceptably harm the living conditions of the occupiers of nearby properties with regard to privacy, daylight and sunlight. It would accord with Policies SD4 and SD14 of the JCS along with the SPD where they seek to protect amenity of neighbouring occupants. It

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

² Home Extension Guide Interim Adoption Supplementary Planning Document

would also comply with the Framework where it seeks a high standard of amenity for existing users.

18. Policy SD8 of the JCS is included in the putative refusal reasons. However, as it does not relate directly to living conditions it weighs neither for nor against the proposal in regard to this main issue.

Other Matters

19. The proposal would increase the number of bedrooms at the property and no extra off-street parking is proposed. Nonetheless, at my site visit, which I appreciate is only a snapshot in time, nearby streets that were not subject to parking restrictions had capacity to accommodate an additional vehicle if required.

Conditions

20. In addition to the standard time limit condition, I have imposed one requiring that the development is carried out in accordance with the approved plans. This is to provide certainty. To protect the character and appearance of the area conditions are imposed requiring agreement of external materials and other features.

Conclusion

21. For the reasons given above, I conclude that the appeal should be allowed.

Stuart Willis

INSPECTOR