



Appeal Decision

Site Visit made on 26 August 2021

by Rachel Hall BSc MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 08 October 2021

Appeal Ref: APP/U1620/W/21/3273088

Disused car parking area to the rear of 1-4 Stratton Corner, Stratton Road, Gloucester

- 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 R Sugdon & Mr C Whitehead against the decision of Gloucester City Council.
 - The application Ref 20/00724/FUL, dated 23 July 2020, was refused by notice dated 13 November 2020.
 - The development proposed is described on the application form as 'redevelopment of disused car parking area to rear of Stratton Corner to provide 2no. 2-bed residential dwellings (Revised Scheme to planning application 19/00886/FUL)'.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The Council acknowledge that they are presently unable to demonstrate a five year supply of deliverable housing sites in line with National Planning Policy Framework (the 'Framework') paragraphs 11 and 74. I will return to that subsequently, however on that basis, and in the absence of relevant protected areas or assets defined in the Framework footnote 7 here, there is no dispute that Framework paragraph 11. d) ii) is engaged.
3. I note that the appellant has sought to amend the proposal to address the Council's comments on a previous scheme for this site, and that concerns over the effects of design on the character of the area may not have been raised by the Council in respect of the previous scheme. Nevertheless, I have determined the current appeal scheme on its own merits, based on the evidence before me.

Main Issues

4. The main issues are the effects of the proposed development on the:
 - character and appearance of the area; and
 - living conditions of the occupants of neighbouring properties, with regard to outlook, and of the future occupants of the proposal with regard to light and privacy.

Reasons

Character and Appearance

5. The site is within a relatively high density residential area comprised of parallel streets with a predominance of traditional terraced housing. There is a strong pattern of development, with housing fronting on to the road to a common building line. The two storey terraced housing is punctuated by a small number of three storey buildings, including an apartment block, cultural centre, and more mixed retail and residential uses on nearby Barton Street. The site is located within one of a small number of gaps in the building line, which provide a glimpse through to the rear elevation of houses on parallel roads behind.
6. There is a high level of consistency of roof design along the terrace on both sides of the road, comprising simple gable roofs. Although there are examples of flat roof rear extensions and a small number of more modern buildings with hipped roofs, the consistency of the terraced gable roofs is a defining positive feature of the character and appearance of the area. This continues along the more modern houses at 1-8 Stratton Corner, with the addition of front projecting gables. There is also a high degree of consistency in the pattern of fenestration on front facades, comprising windows at ground floor positioned in line with first floor windows above.
7. Whilst visibility of the proposal from Stratton Road would be limited by its position set back from the predominant building line, it would not be entirely hidden from views from the road and houses opposite the site entrance. It would also be visible from first floor rear windows of many surrounding houses, where the uniformity of two storey terraced housing would still be strongly perceptible, even taking into account the mix of styles in rear extensions also visible.
8. The southern-most house would be visible from the road at the site entrance. Here its front elevation, comprising a mix of single storey and 1.5 storey elements, would appear at odds with the two storey buildings visible around it. This would be emphasised by the proposed flat roof design, which would detract from the pleasing predominance of gable roofs. Whilst I observed more variation in the roof styles of rear extensions to houses on Vauxhall Road, such variation is typical of rear extensions. In contrast, the proposal would appear as a distinct, standalone development of a form and style that is contrary to that of houses in the locality. Further, the proposed single window in its upper floor would be at variance with the consistent positioning of windows at both ground and first floor level in the vicinity.
9. I note examples in the locality of other more modern developments on differing plot sizes, some of which are set back from the road, and contrast with the traditional terraced housing on narrow plots. However, with the exception of some lower level commercial buildings which have a functional appearance, these more recent housing developments are generally two storey, with pitched rather than flat roofs, thus appearing broadly consistent with the prevailing scale and form of development in the area.
10. I therefore find that the proposal would be at odds with the predominant style, scale and form of existing buildings that make a positive contribution to the area. Despite the use of sympathetic materials it would therefore unacceptably harm the character and appearance of the area. Accordingly it would be

contrary to Policy SD4 of the Joint Core Strategy¹ which, inter alia, requires that proposals respect the character of the site and its surroundings. It would also be contrary to the provision in Policy SD10 of the Joint Core Strategy for housing developments to achieve the maximum density compatible with factors such as good design and local character. Similarly, I note that the National Design Guide explains good design involves careful attention to important components of places including layout, form and appearance.

Living Conditions

11. I accept that the impact of the proposal on living conditions of the occupants of neighbouring properties would be limited in some respects due to the single storey nature of the proposal adjoining its rear boundary, particularly in relation to outlook from neighbouring ground floor windows. This is consistent with the findings referenced by the appellant relating to the Sandhurst Cottage appeal case², although full details of that case are not before me. Nevertheless, from neighbouring first floor windows, the position of the proposed built development tight up to its rear boundary and one side boundary would result in it appearing disproportionately large for the site.
12. This would be particularly evident from first floor windows at Nos 7 and 8 Stanley Cottages, the proposal extending built development along their full width, and beyond. Whilst the development would not totally obscure the first floor windows, it would appear cramped and unduly dominant in views from them, emphasised by the proximity of Nos 7 and 8 to the rear site boundary. Even noting that the proposed 1.5 storey elements would appear less bulky than were they a full two storeys in height, and could be finished in light render to reflect light into surrounding gardens, I find that the proposal would appear as an overly intensive use of the site. Whilst much of the proposal would be single storey, the inclusion of roof lights to single storey elements would also be a visually intrusive feature from first floor windows at Nos 7 and 8. I therefore find that the proposal would unacceptably harm the living conditions of neighbouring occupants with respect to outlook.
13. In respect of living conditions for its future occupants, the proposal has been designed to minimise the potential for overlooking of neighbouring properties, therefore the number, size and position of proposed windows are limited. Although windows into the main living space within both houses, shown as kitchen/living/dining space would be single aspect, these windows are of a good size. Combined with roof lights, notwithstanding the visual effects of these as reasoned above, I do not find that light levels within the main living space would be unacceptable. Windows to upper floor bedrooms are also single aspect which is not uncommon. Windows to lower floor bedrooms would be smaller with a limited outlook on to the garden space. However on balance I do not find that light levels would be so limited as to result in unacceptable living conditions here.
14. In respect of privacy within the proposed gardens, the garden space of the northern most property would be positioned almost centrally within the main part of the site. As such it would be overlooked, including from rear facing windows at Nos 1 and 2 Stratton Corner at relatively close distance, as well as from side facing windows at No 2 Stratton Road. Similarly the proposed garden

¹ Gloucester, Cheltenham and Tewkesbury Joint Core Strategy 2011 – 2031 (December 2017)

² Appeal Ref APP/U1620/W/19/3220226

at the southern-most property would be overlooked from rear and side facing windows of No 2 Stratton Road at relatively close range. Whilst the size of the gardens may be considered adequate for the location, and a degree of overlooking is equally to be expected, their relatively small size and lack of other private space around the buildings would emphasise the feeling of being overlooked to an unacceptable degree.

15. Concluding on this matter, whilst the proposal would not unacceptably harm the living conditions of its future occupants with respect to light, I find that the proposal would result in significant harm to the living conditions of those living nearby, in respect of outlook, and of its future occupants in respect of privacy. It would therefore be contrary to Policy SD14 of the Joint Core Strategy which amongst other matters, seeks that developments do not unacceptably harm neighbouring amenity. It would similarly be contrary to Policy SD4 of the Joint Core Strategy which seeks, amongst other matters, to ensure that proposals avoid or provide mitigation for disturbance from visual intrusion.

Other Matters and Planning Balance

16. The Council accepts that it is not possible to demonstrate a five year housing land supply at present. Paragraph 11. d) ii) of the Framework states that where policies most important for determining the application are out-of-date, permission should be granted unless adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against policies in the Framework taken as a whole.
17. I note that Policy SD10 of the Joint Core Strategy provides in principle support for residential development on previously developed land within the city of Gloucester, subject to meeting other Policy SD10 criteria which, as I have reasoned above, it does not. The Framework also seeks to significantly boost the supply of homes. However the development plan and the Framework must be considered as a whole. The Framework sets out that the purpose of the planning system is to contribute to the achievement of sustainable development through the delivery of the mutually dependent economic, social and environmental objectives.
18. In that context, the proposal would achieve an incremental increase in housing supply, comprising two units, in an area with an acknowledged lack of future provision, on a previously developed site in an accessible location. There would be economic advantages of construction and occupation of these units. It would achieve the environmental benefit of making effective use of land. It would also remove the potential for future mis-use of the current car park, or from other disturbance to neighbours should it be brought back into use as a car park, albeit such a benefit is not reliant on this particular appeal scheme. I have also taken into account that the proposal would meet the required energy efficiency standards. An absence of harm in respect of matters such as highway safety, archaeology and drainage are neutral considerations.
19. Nevertheless, the benefits arising from two new homes would inevitably be limited. Moreover, neither the support for new housing in the development plan nor the Framework is at the expense of ensuring that all development is appropriately designed and integrates suitably with its surroundings. Therefore as the harm to the character and appearance of the area and to living conditions of existing and future occupants would be significant, and the scheme's benefits modest, the adverse impacts of granting consent would

significantly and demonstrably outweigh any benefits. Consequently other material considerations in favour of the proposal do not justify taking a decision contrary to the development plan.

Conclusion

20. For the above reasons, and having taken all other relevant matters into account, the proposal conflicts with the development plan taken as a whole and with the approach in the Framework. I therefore conclude that the appeal should be dismissed.

Rachel Hall

INSPECTOR