



Appeal Decision

Site visit made on 4 January 2022

by M. P. Howell BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: Monday 14 February 2022

Appeal Ref: APP/U1620/W/21/3282972

16 Brook Street, Gloucester GL1 4UP

- 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 Soohail Ismail against the decision of Gloucester City Council.
 - The application Ref 21/00713/FUL, dated 9 June 2021, was refused by notice dated 27 August 2021.
 - The development proposed is for an extension to existing outhouse and conversion of the property into three separate dwellings.
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Decision

1. The appeal is allowed, and planning permission is granted for an extension to existing outhouse and conversion of the property into three separate dwellings at 16 Brook Street, Gloucester GL1 4UP in accordance with the terms of the application, Ref 21/00713/FUL, dated 9 June 2021, subject to the following conditions:
 - 1) The development shall begin no later than three years from the date of this decision.
 - 2) The development shall be carried out in accordance with the following approved plans: Drawing numbers 100, 101, 102, 110 Rev A, 120 Rev A.
 - 3) Prior to the occupation of the approved development, details of how the parking area, shown on drawing ref 102- site Layout Plan, will be laid and drained of surface water shall first be submitted to and approved in writing by the Local Planning Authority. The approved parking area shall be carried out in accordance with the approved details and kept available for the parking of vehicles thereafter.
 - 4) Prior to the occupation of the approved development, details of three electric charging points and a timeframe for their implementation shall be submitted to and approved in writing by the Local Planning Authority. The electric charging points shall be carried out in accordance with the approved details and shall thereafter be maintained in that manner.
 - 5) Prior to the occupation of the approved development, details of the bin storage areas, indicated on the drawing ref 102- site Layout Plan, shall be submitted to and approved in writing by the Local Planning Authority. The bin storage shall be provided in accordance with approved details and shall thereafter be maintained in that manner.

Preliminary Matters

2. The Gloucester City Plan (City Plan) has not been adopted, but the Council have cited the criteria of an emerging policy, Policy A1 -Effective use of land (GCP) within their reason for refusal. The emerging policy is generally consistent with the aims of Chapter 11 of the National Planning Policy Framework (the Framework). As such, the emerging policy can be afforded moderate weight in accordance with paragraph 48 of the Framework.
3. The Council's Delegated Decision Report and the appellant's Full Statement of Case indicates that the site is within Southgate Street Conservation Area. However, during the appeal process, it has been clarified that the site is not within any conservation area, which aligns with the information set out within the Appeal Questionnaire.

Main Issue

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

Reasons

Character and appearance

5. The appeals site is a large semi-detached period property with parking to front and side, set within a spacious plot. Brook Street is within an urban residential setting and largely consists of large semi-detached period properties of varying styles fronting the road in spacious plots.
6. The Council's emerging Policy A1 of the GCP, sets out, amongst other matters, that development proposals should not lead to a saturation of intensified properties within the area. The sub text of the policy indicates a threshold of 10% for intensified properties within a 100-metre radius of the site. The evidence submitted with the appeal sets out that 10 properties would be intensified¹, resulting in 16.4% of the properties within 100m. Although this would run counter to the 10% threshold, it is necessary to demonstrate that harm would be caused to the character and appearance of the area.
7. Having regard to the size of the dwellings and plots within the immediate area, the housing densities would be low in this context, so that the effect of going above the 10% threshold relative to a 100-metre radius would be less concentrated. From what I saw during my site visit, there was no clear physical evidence of the problems usually associated with high levels of intensified properties, such as inadequate refuse storage arrangements or poorly maintained frontages and illegal parking.
8. Aside from indicating the exceedance of the 10% threshold, the Council's Delegated Decision Report indicates that the proposed scheme provides an acceptable level of living conditions for its occupants, including provision of internal and external amenity space, refuse storage as well as off-street parking. Consequently, with the appropriate levels of off-street parking, internal and outdoor space and bin storage, it does not follow that the proposed scheme would add to or result in any of the physical problems usually associated with high levels of intensified properties.

¹ Including the appeal property

9. With respect to the loss of much needed family homes, a three-bedroom dwelling exists at the site, with accommodation in the ground, first and second floor. This dwelling along with the same layout and accommodation would be retained in the ground, first and second floor of the building. As such, the conversion of the basement and outbuildings as flats would make more efficient use of the large plot and underused accommodation, without resulting in the loss of the family size accommodation already in use at the site.
10. I, therefore, conclude that on the evidence before me, I find that there would be no unacceptable harm to the character or appearance of the area. As such, the proposed development would not be materially at odds with the overall aim of emerging Policy A1 of the GCP or Chapter 11 of the Framework, which seek to make efficient use of land and buildings without impacting upon the character and appearance of the area or resulting in the loss of much needed family homes.

Other Matters

11. I have had regard to concerns raised, including parking and highway safety, increased traffic as well as noise and disturbance to neighbours. The proposal would provide sufficient off-street parking and turning, which would limit additional parking pressures on the street and mitigate any highway safety concerns. In addition, the level of additional traffic, as well as additional noise and disturbance, generated from the two additional one-bedroom flats would not be significant enough to adversely impact upon neighbours living conditions.
12. I accept that a good section of garden would be removed for parking, but details of how the parking will be drained can be required and there is sufficient space remaining for landscaping, where biodiversity can be encouraged in the urban setting. I also note that concerns were raised over further intensification and subdivision of the appeal site. Although I appreciate additional developments could add to the impact of the intensified property, these works would likely require planning permission and are not proposed in this instance. As such, I have attributed this matter limited weight in my decision.

Conditions

13. It is necessary in the interests of clarity, to define the approved plans for the scheme. Conditions requiring details, and the implementation, of bin storage, cycle provision, electric charging points, parking (including drainage of surface water) would need to be included. These conditions would ensure the provision and availability of off-street parking, bin storage, cycle storage and electric charging points to serve any future occupiers. This would also help to reduce surface water drainage flooding, harmful emissions from the scheme, as well as protecting the character and appearance of the area and minimising on street parking pressures.
14. An internal consultee requested a Construction Management Plan to limit neighbouring impacts on noise during the construction phase. However, having regard to the scale of the physical changes and the temporary period needed to carry out the development, I do not think it is necessary to require a Construction Management Plan to make the scheme acceptable.

Conclusion

15. For the reasons given above and taking into account all other relevant material considerations, I conclude that the appeal should be allowed.

M. P. Howell

INSPECTOR