



Appeal Decision

Site visit made on 12 July 2022

by Juliet Rogers BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 25 July 2022

Appeal Ref: APP/U1620/D/22/3300440

39 Bishops Road, Gloucester GL4 5FP

- 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 Mike Steward against the decision of Gloucester City Council.
 - The application Ref 22/00312/FUL, dated 7 October 2021, was refused by notice dated 25 May 2022.
 - The development proposed is described as a 'single storey extension to rear and first floor extension to side'.
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Decision

1. The appeal is dismissed insofar as it relates to the part first floor and part two storey side extension. The appeal is allowed insofar as it relates to the single storey rear extension and planning permission is granted for a single storey rear extension at 39 Bishops Road, Gloucester, GL4 5FP in accordance with the terms of the application, Ref 22/00312/FUL, dated 7 October 2021, and the plans submitted with it, so far as relevant to that part of the development hereby permitted and subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than three years from the date of this decision.
 - 2) The development hereby permitted shall be carried out in accordance with the following approved plan: MS-39BR-A-G-002 insofar as it relates to the single storey rear extension.
 - 3) The materials to be used in the construction of the external surfaces of the single storey rear extension hereby permitted shall match those used in the existing building.

Preliminary Matters

2. The banner heading above contains the original description of the development as set out on the application form. In addition to a first floor section over the garage, the side extension also includes a two storey element, extending the existing kitchen area to the rear of the garage with a bedroom above. I am satisfied that the Council's decision was based upon this development, as per plan MS-39BR-A-G-002. For precision, I have amended the description of development in the decision.
3. The Council refer to Policy A9 of the emerging Gloucester City Plan (GCP) in the delegated officer's report however it is not included on the decision notice. Whilst the Examination of the GCP has concluded, I have little information about when the plan is likely to be adopted, if any policies have been modified

or if there are any unresolved objections. As a result, it currently attracts limited weight in my consideration of this appeal.

4. For the reasons that follow, I find that the proposed single storey rear extension to be acceptable. As it can be physically and functionally separated from the part first floor and part two storey side extension, I intend to issue a split decision in this case and grant planning permission for the single storey rear extension.

Main Issues

5. The main issues of this appeal are the effect of the development on the:
 - living conditions of the occupiers of 38 Bishops Road, with particular reference to outlook and daylight.
 - character and appearance of the area.

Reasons

Living conditions

6. As the single storey rear extension would be of a similar scale to the existing conservatory and be set in from the boundary with 38 Bishops Road, I consider that it would have a neutral effect on the living conditions of occupiers of 38 Bishops Road.
7. The side extension would be located very close to the boundary and, given the appeal property is set back from 38 Bishops Road, would reduce the separation between the properties at the rear. Moreover, the significant increase in height would result in the two storey part of the side extension being a prominent and intrusive feature in the outlook from the conservatory and garden area at 38 Bishops Road.
8. Given the scale and proximity of the two-storey part of the side extension to the conservatory at 38 Bishops Road, I do consider that the development would significantly reduce the levels of light that could reach conservatory and living space windows on the ground floor and the first floor bedroom window. This would result in unacceptable harm to the levels of daylight reaching these rooms and the garden at 38 Bishops Road.
9. I conclude that the part first floor and part two storey side extension would unacceptably harm the living conditions of occupiers of 38 Bishops Close with regard to outlook and daylight, in conflict with Policy SD14 of the Gloucester, Cheltenham and Tewkesbury Joint Core Strategy 2011-2031 (JCS) and Policy A9 of the emerging GSP which requires new development to ensure that, amongst other things, the living conditions of neighbouring occupiers are not unduly harmed by the proposal. I also find conflict with the guidance contained within the Home Extension Guide Interim Adoption Supplementary Planning Document August 2008 (HEG SPD) and the principles of the NPPF which seek to ensure development achieves a high standard of amenity for existing and future users.

Character and Appearance

10. The appeal site is located between 38 and 40 Bishops Road, which, due to their angled relationship to the road, form a small group in the streetscene. Whilst each house has similarities with the use of materials, ground floor projections, and rectangular footprints, they are not identical with variations in frontage position, width and elevations, garage types, windows and chimneys. These elements of difference are also reflected in the character of the wider area.
11. The single storey rear extension would have a similar footprint to the existing conservatory. Whilst it would not be visible from Bishops Road, it would be possible to see the top of the rear extension from the semi-private parking courtyard behind the property, in the same way the existing conservatory can be currently seen from this location. Given the use of matching materials and subordinate relationship with the host dwelling, I consider that it would have a neutral effect on the character and appearance of the area.
12. The part first floor and part two storey side extension would extend the front and rear elevations to the full width of the appeal property. Whilst HEG SPD demonstrates how a subservient extension can respect the character and appearance of the house, it also illustrates that an extension can achieve this aim through a fully integrated design that makes it appear part of the original house.
13. As the development incorporates the existing ridgelines, front and rear elevations, fenestration and materials as integral elements of the design, it would appear part of the original house. This is not dissimilar to other examples of extensions to detached properties in the area and, as the group of three properties are not identical, I consider that the development would not harm the streetscene.
14. I conclude that the development would not cause harm to the character and appearance of the area and the host dwelling and would therefore comply with Policy SD4 of the JCS and Policy A9 of the emerging GSP which require that development should be appropriate to the character and appearance of the area and the host dwelling. Similarly, I find no conflict with the principles within the HEG SPD and the NPPF that seek good design which is sympathetic to the local area.

Other Matters

15. I have been referred to the two storey extension and loft conversion built at 40 Bishops Road as a similar example of development. Whilst there are some similarities with the appeal proposals, the position of the rear elevations of 38, 39 and 40 Bishops Road varies. The front and rear elevations of 39 and 40 Bishops Road are broadly in line whilst 38 Bishops Road is set further forward. As the relationship between the rear elevations of neighbouring properties differ, the effect on the living conditions of neighbouring occupiers in these cases is also different.
16. Even if there were no third party objections to this development, my assessment of the effect of the development would be unchanged and a lack of objections is not a reason in itself to allow development that is unacceptable.

Conditions

17. In addition to the standard time limit condition, I have imposed conditions specifying; the approved plan for the avoidance of doubt; and matching external surface materials to protect the character and appearance of the area.

Conclusion

18. The proposed development, insofar as it relates to the part first floor and part two storey side extension, conflicts with the development plan when considered as a whole and there are no material considerations, either individually or in combination, that outweigh the identified harm and associated development plan conflict. Therefore, I conclude the appeal should be dismissed insofar as it relates to the part first floor and part two storey side extension. Insofar as it relates to the single storey rear extension, I conclude that the appeal should be allowed.

Juliet Rogers

INSPECTOR