



Appeal Decision

Site visit made on 4 January 2023

by K Stephens BSc (Hons) MTV MRTPI

an Inspector appointed by the Secretary of State

Decision date: 27th January 2023

Appeal Ref: APP/U1620/W/22/3302806

11 Arlingham Road, Gloucester GL4 0LX

- 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 Buckingham (of Gemineo Property Services) against the decision of Gloucester City Council.
 - The application Ref 21/00772/FUL, dated 14 June 2021, was refused by notice dated 13 January 2022.
 - The development proposed is described as 'Proposed 2 x 1b1p flats and associated parking and drainage.'
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Decision

1. The appeal is dismissed.

Procedural Matters

2. The development plan comprises the Gloucester, Cheltenham and Tewkesbury Joint Core Strategy¹ (the JCS) and saved policies of the City of Gloucester Local Plan². The Council states this latter plan is out-of-date with many of its policies superseded by the JCS and the National Planning Policy Framework (the 'Framework'). I am also advised that none of the policies in the Gloucester Local Plan are relevant to the proposal.
3. The emerging Gloucester City Plan has progressed in its preparation since the Council determined the application. Main Modifications have now been subject to public consultation and the Inspector's report is expected. Its policies can be afforded moderate weight.

Main Issues

4. The main issues in this appeal are i) the effect of the proposed development on the character and appearance of the area, and ii) whether or not there is sufficient information to demonstrate the site can be adequately drained.

Reasons

Character and appearance

5. The appeal site comprises an overgrown parcel of underused garden to the side of 11 Arlingham Road (No.11), which I saw was separated from the back garden by a boundary wall. The land is largely filled with self-set trees, including tall conifers. No.11 is a two-storey rendered dwelling that forms the

¹ Adopted 11 December 2017

² Adopted 14 September 1983

end of a terrace of similar properties. The terrace faces another similar terrace across an area of grassed open space, effectively creating a quadrangle. These two terraces are at right angles to Arlingham Road such that the appeal site abuts the back edge of the pavement on Arlingham Road. Either side of the appeal site there are similar designed terraces that directly front Arlingham Road, but which are set back from it with gardens or parking spaces. These terraces follow the same alignment that coincides with the end of No.11. Despite some personalisation of properties, the general uniformity of property design and size, and the strong continuous building line positively contributes to the character and appearance of the street scene and surrounding area.

6. The proposal would involve erecting a two storey building in the side garden attached to No.11, and which would become the end of the terrace. It would provide two 1-bed flats, one on the ground floor and one on the first floor. Both flats would be accessed by their own front doors on the front elevation off the quadrangle. At the front, a small hard-surface area would be divided between the two flats, with storage space shown for recycling. At the rear, two small areas of grass would be provided for each flat as well as 1 parking space each. There would be pedestrian access across this rear space to a compound or building, which is currently part of the rear garden of No.11, for the storage of 4 bicycles (2 per flat).
7. The proposed building would be narrower than the width of the other properties in the terrace. Furthermore, the front elevation, which is read with the rest of the terrace in an open setting, would have a different design and pattern of fenestration to the other properties in the terrace. The windows would be smaller and coupled with the two front doors, would mean the property would read as two slim dwellings instead of a single dwelling. This would be at odds with the prevailing size and scale of properties in the existing terrace, disrupting its rhythm and design, and would make the proposal appear cramped. Attention would be further drawn to this mismatch by the mono-pitched porch extension across the entire front elevation. Porch extensions are not a prevailing feature of properties in the area. Whilst I saw a similar porch extension on the opposite facing terrace, this served a single dwelling and had one door and was not fully enclosed. Overall the size, scale and design of the proposal would not respond to the prevailing character and appearance of the terrace it would form part of and would visually detract from it. Matching materials and roof line would do little to off-set the addition of an unsympathetic addition to the terrace.
8. The proposed building would extend the terrace up to the back edge of the pavement of Arlingham Road. In doing so, this would bring built development forward of the well-defined building line of terraces that face the main part of Arlingham Road either side of the appeal site, and which remains unbroken from its at the corner of Arlingham Road to the junction with Westbury Road. The proposal would therefore disrupt this strong street scene alignment.
9. I saw on my visit that the dwellings that have been erected at Nos. 2a and 7a/7b Westbury Road sit forward of some neighbouring building lines. However, in both cases the dwellings occupy corner plots where the buildings have different relationships to the different roads they address, unlike the appeal site. Considering the overall uniformity of the estate, these examples do not set a precedent to allow development that would cause harm to the character and appearance of the area.

10. The application form states there are no trees on the site. On my site visit I saw this was clearly not the case. The loss of the trees on site would affect the street scene, but they are not protected and are within the land to the side of the host property. The Council has no objection to their removal per se, and from what I saw I do not disagree.
11. I saw that most roadside boundaries were low-lying. The proposed tall timber fence would not be a 'front' boundary as such and would be read as a side boundary to the building, as the rest of the site would be open for car parking. The length of fence would be much shorter and hence less prominent in the street scene than that at No.2a, which in contrast extends along the entire side boundary of the property and its garden, as well as round the corner onto Westbury Road. However, the proposed fence coupled with the poorly designed building would result in an uncomfortable addition to the street scene that would harm the character and appearance of the area.
12. Accordingly, the proposal would be contrary to JCS Policy SD4, which seeks, amongst other things, to ensure that new development responds positively to and respects the character of the site and surroundings and should be of a scale and type appropriate to its setting.

Drainage

13. According to the application form, foul drainage will be via the mains sewer that runs at the rear of the property. Surface water drainage will be discharged via a soakaway, which the submitted plans show use of a 4m² Geocellular Soakaway.
14. The Council's Environment Officer confirms that the site is located in Flood Zone 1, so it is not at high risk of flooding, and raised no objection in principle. However, a decision was deferred until a drainage strategy was submitted. The appellant showed the foul and surface water drainage details on the submitted plans. He states he was not asked to provide any further drainage details.
15. In its appeal statement the Council offers up no further explanation of what drainage details it would need to see to make a decision. Nor has it explained why surface water drainage could not be dealt with as a planning condition, or any peculiar drainage issues in the area that warrant a particular drainage solution. There is clearly drainage infrastructure in the vicinity of the site and the appellant has shown an intended scheme. The Council suggests a drainage condition, albeit without prejudice, to require the submission of the design, maintenance and management strategy of the surface water drainage system.
16. Based on the limited evidence before me I am not persuaded that drainage could not be dealt with by condition. Accordingly, the proposal would not be contrary to JCS Policy INF2, which seeks, amongst other things, to minimise flood risk.

Other Matters

17. The Council has raised no objections to parking, cycle storage, recycling storage areas or adverse impacts on amenities of neighbouring residents. These carry neutral weight in my considerations.

18. I acknowledge the appellant's concerns with the Council's lack of contact and handling of the application, but in reaching my decision I have been concerned only with the planning merits of the case.

Planning Balance and Conclusion

19. The Council cannot demonstrate it has a five-year supply of deliverable housing land. In accordance with paragraph 11d) of the National Planning Policy Framework (the Framework), the policies most important for determination the application are out-of-date. This means that planning permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework taken as a whole.
20. The erection of two 1-bedroom flats on this small windfall site would make a modest contribution to the Council's supply of housing and I have no reason to doubt it would not be built out quickly. There would also be some modest economic and social benefits arising from construction and its contribution to the local area in a location within the city with access to services, facilities and public transport. However, there would be lasting harm to the character and appearance of the area arising from inappropriately designed development that would be contrary to the development plan and to the Framework's promotion of well-designed places and good design. Therefore the adverse impacts of granting permission for 2 small flats would significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework taken as a whole.
21. In conclusion, the proposal would be contrary to the development plan as a whole and this conflict is not outweighed by other material considerations, including the provisions of the Framework and paragraph 11 in particular. Therefore, the appeal should be dismissed.

K Stephens
INSPECTOR