



Appeal Decision

Site visit made on 19 April 2023

by E Pickernell BSc MSC MRTPI

an Inspector appointed by the Secretary of State

Decision date: 29 June 2023

Appeal Ref: APP/U1620/W/21/3286079

2 Brookthorpe Close, Tuffley, Gloucester GL4 0LJ

- 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 Callum Merchant against the decision of Gloucester City Council.
 - The application Ref 21/00401/FUL, dated 21 March 2021, was refused by notice dated 5 July 2021.
 - The development proposed is to demolish the attached garage to No.2 and build an attached two bedroom house, referred to as No.2A, within the existing residential curtilage of No.2.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. Since the determination of the application, the Gloucester City Plan (CP) 2011 – 2031 was adopted in January 2023. The Council have supplied copies of the relevant policies and the appellant has had the opportunity to comment. I have dealt with the appeal on this basis.

Main Issue

3. The main issue is the effect of the proposal on the character and appearance of the area.

Reasons

4. The appeal site is a corner plot located adjacent to the junction of Brookthorpe Close and Tuffley Lane. The site forms part of a group of dwellings in a courtyard arrangement which front onto an open parking and turning area. Buildings in the area are generally set back from the pavement by unfenced, front gardens and generous driveways which gives the area an open character.
5. The form of development in the area is not linear in that there is some variation in the building line. However, there is a degree of regularity to the pattern of development of the area in terms of the set-back of properties from the street, which generally follows the curve of the road, and the width of dwellings. Despite the variation in form, the properties in the area positively contribute to the character and appearance of the area.
6. Whilst the proposed materials and eaves line would match the host dwelling, the proposed dwelling would be wider and would result in a two storey flank wall in close proximity to the pavement and closer to the road than is

characteristic, at odds with the pattern of development in the area.

Furthermore, due to its prominent corner location at the junction the proposal would appear as an intrusive and incongruous dwelling when viewed from along both Brookthorpe Close and Tuffley Lane. This would result in the erosion of the open character and appearance of the area.

7. I acknowledge that an unfenced area would be created adjacent to the side boundary, and it has been suggested that a suitably worded condition could be imposed to require the planting of a hedge within this area. However, this would not lessen the prominence of the building or its harm to the character and appearance of the immediate and wider area.
8. I saw that the side elevation of an existing dwelling further along Brookthorpe Close is relatively close to the road, however this is not as prominent as the appeal site and as such does not have a harmful effect on street scene. 1 Brookthorpe Close has also been brought to my attention by the appellant. Nevertheless, the side elevation of its attached garage faces Tuffley Lane, it is set back from the road by a generous open verge and is single storey. As such these existing properties do not affect the character and appearance of the area unlike the appeal proposal before me.
9. The Council contend that the proposal would be overdevelopment of the plot and harm the character of the area. The proposal would result in a reduction in the garden area available to the occupiers of the host dwelling. However, I saw on my site visit that several properties in the area have gardens of a similar size to that which would be retained. As such I find that in respect of garden area, the proposal would not significantly compromise the garden area of the existing dwelling resulting in overdevelopment of the site. Nor in this respect, would it be in contrast with the existing pattern of development or harmful to the character and appearance of the area. Furthermore, whilst the proposed dwelling is wider than is typical in the area, its overall footprint would not be dissimilar to nearby properties or occupy significantly more of the plot. As such I find that in this respect, the proposal would not result in overdevelopment. However, this does not outweigh the harm I have found above.
10. Consequently, I conclude that the proposal would be harmful to the character and appearance of the area. It would be contrary to Policies SD4 of the Gloucester, Cheltenham and Tewkesbury Joint Core Strategy (JCS) 2011 – 2031 (Adopted December 2017) and Policy A1 of the CP these policies, amongst other matters, seek to ensure that developments are well designed and respond positively to local character. Furthermore, it would conflict with paragraph 130 of the National Planning Policy Framework (the Framework) which seeks to ensure that development achieves a high standard of design and is sympathetic to local character.

Other Matters

11. The host property benefits from 2 off street parking spaces in addition to the garage. These would provide sufficient parking for both the existing and proposed dwelling and the access arrangements are unchanged. As such I am satisfied that the proposal would not cause any highway safety issues. There is no substantive evidence before me that the proposal would have a harmful effect on the living conditions of occupiers of existing properties in the vicinity by way of noise or disturbance. Nevertheless, these considerations do not outweigh the harm which I have identified above.

12. I acknowledge the appellants frustrations with the Council during the application stage, there is nothing before me to suggest that interested parties have been prejudiced or consultations not carried out. However, I have considered the appeal based on the evidence and in accordance with the development plan for the area.
13. In support of the appeal, my attention was drawn to a similar application where the Council had granted planning permission. However, I do not have the full details of the circumstances that led to that proposal being accepted and so cannot be sure that they represent a direct parallel to the appeal proposal, including in respect of scale, layout and development plan policy. In any case, I have determined the appeal on the evidence before me, and site observations.

Planning Balance

14. The Council state that they cannot demonstrate a 5 year supply of deliverable housing sites. Therefore, paragraph 11d(ii) of the framework should be applied. As I have set out, the proposal would be contrary to Policies SD4 of the JCS and policy A1 of the CP and the Framework because it would cause significant harm to the character and appearance of the area. The conflict with development plan policies should therefore be given significant weight in this appeal.
15. Set against the harm identified the provision of an additional dwelling would make a small contribution towards the Council's housing land supply, and I note that it is proposed to utilise renewable energy which would have environmental benefits. Nonetheless, even if the supply shortfall is substantial, the contribution from one extra household would be small and these economic, social and environmental benefits would be limited in favour of the development. Therefore, the adverse impacts of the development would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole. As a result, the presumption in favour of sustainable development does not apply.

Conclusion

16. The proposal would conflict with the development plan as a whole and there are no material considerations, including the Framework, that would outweigh that conflict. Therefore, the appeal is dismissed.

E Pickernell

INSPECTOR