



Appeal Decision

Site visit made on 25 July 2023

by J Somers BSocSci (Planning) MA (HEC) MRTPI IHBC

an Inspector appointed by the Secretary of State.

Decision date: 10th August 2023

Appeal Ref: APP/U1620/W/23/3317830

30 Kestrel Gardens, Quedgeley Gloucester GL2 4NR

- 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 Lee Evans against the decision of Gloucester City Council.
 - The application Ref 22/01249/FUL, is dated 19 December 2022
 - The development proposed is described as a two storey side extension.
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Decision

1. The appeal is dismissed.

Background and Main Issues

2. The appeal was made prior to the Council's determination of the application. Following the submission of the appeal, the Council issued a Planning Officer Report for the application indicating that they recommended refusal of the application on two grounds: that the proposed extension by reason of its scale, location and design would be seen as overly large and incongruous addition to the existing dwelling and wider street scene; that the proposed extension, by reasons of scale, location and design, would appear as a visually intrusive and overbearing form of development as viewed from neighbouring properties resulting in an unacceptable level of overshadowing, loss of light, and loss of privacy. The relevant policies are stated in the Officer's Report as being Gloucester City Plan (CP) Policy A9; Gloucester, Cheltenham and Tewkesbury Joint Core Strategy (CS) Policy SD4, both policies of which are supported by the House Extensions Guide Supplementary Planning Document (SPD).
3. On this basis, the main issues are the effect of the development upon:
 - The character and appearance of the existing dwelling and the greater locality; and
 - The living conditions of surrounding occupants, with particular regard to privacy, sense of enclosure, and access to light.

Reasons

Character and Appearance

4. In determining applications involving character and appearance, CP Policy A9 is directly related to extensions to existing dwellings and sets design principles such as ensuring sufficient plot size, scale, form and footprint in relation to the existing building, and materials used, amongst others. CS policy SD4 also lists a number of design principles to consider such as context, character and sense of place, legibility, identity, public realm and landscape, amongst others. The SPD provides guidance to these planning policies and gives further

interpretation and advice regarding design, placement and size of side extensions.

5. The appeal site is part of a larger housing development that consists of a number of cul-de-sacs leading off Merlin Drive. Dwellings are two storeys in either groups of terraces, detached and semi-detached dwellings. As surrounding dwellings are part of the greater estate, they exhibit similar design characteristics, with pitched and side gabled roof forms, some dwellings with a small feature gable to the front façade, and the use of brick, render and concrete roof tiles. Dwellings are positioned around the cul-de-sacs and have small front gardens with no boundary walls. There is an emphasis on spaces in and around the dwellings, with views between dwellings to the tops of trees in rear gardens. These elements, amongst others make up the local character and distinctiveness of this locality. There is also evidence of later side, front and rear extensions in the locality which are generally in keeping with the existing dwellings and the locality.
6. The appeal site is an end terraced dwelling in a group of three dwellings of Nos 32, 34 and 36 Kestrel Gardens. The group of terraces are two storeys tall, with render to the first floor and brick to the ground floor. No.32 contains a feature gable which is placed to the centre of the terrace and gives a symmetrical appearance. Whilst the gable appears to have been once offset and a-symmetrical as a result of the two storey extension at No.36 at the opposite end of the terrace, the symmetry of the terrace has been reinstated by the construction of a part two storey and single storey side extension to the appeal property which was recently approved¹ and has since been constructed.
7. The SPD which supports the policies of the CP and CS when discussing side extensions emphasises the need to ensure extensions do not dominate and are subservient, which can be achieved by understanding the existing built form and using elements such as setback to facades and ridge lines. I agree that in this particular case, that given that there is no setback to the two storey extension of No.30, that the two storey extension as constructed under the recent consent without a setback or lower ridge does match and reinstates symmetry back to the terrace, with the single storey side extension whilst taller than the garage at the opposite end, is further set in with a lower ridge which allows subservience and symmetry to prevail.
8. The proposal would be on the same footprint as the existing extension, however be two storeys tall with no elements of setback. Whilst the increase in height might appear 'not significant' to the appellant, I do not share the same opinion. It is the setting down of the single storey component that is essential for introducing subservience and making the existing scheme acceptable. The proposal would be almost equal in width to the existing dwelling and the elongated ridge would result in an asymmetrical appearance to the terrace when seen as a whole. The proposal would not have the appearance of an extension, and would not present subservience as emphasised through CP Policy A9, CS Policy SD4 or the SPD.
9. Whilst I acknowledge that there are existing two storey side extensions to other terraces in the locality as shown in the appellant's statement,² none of the terraces would be as elongated or as wide as per the proposed extension.

¹ Council Ref: 19/00581/FUL

² Nos 12-15, 42-48, 54-62, 77-85 Kestrel Gardens

The proposal would present a materially different appearance that would not relate well to the existing group of terraces, causing a cramped appearance and eroding the visual gaps in and around the dwellings. The proposal would cause material harm to the character and appearance of the locality.

10. Taken as a whole, and in conclusion of this matter, the proposed scheme would not present a subservient appearance and would be detrimental to the character and appearance of the existing building and of the greater locality. Consequently, the proposal is contrary to CP Policy A9, CS Policy SD4 and the SPD as described previously.

Living Conditions

11. CP Policy A9 and CS Policy SD4 amongst their design principles also seek to ensure that development does not cause undue harm as a result of overlooking, overshadowing and overbearing development, amongst others. Additionally CS Policy SD14 seeks that development not cause unacceptable harm to neighbouring occupants.
12. No's 52 and 54 Kestrel Gardens are part of the same development as the appeal site and have their rear boundaries abutting the side boundary of the appeal site on the angle, directly where the proposed extension would be. With regards to access to light, the appellant has submitted shadow diagrams that illustrate the shadow cast in the middle of summer. The plans illustrate that No.52 and No.54 would have overshadowing within the afternoon on summer months, which would be exacerbated during the winter when the sun is lower. Whilst I agree that the situation would be worse than currently experienced as a result of the extension, I disagree that the additional massing caused by the proposal would be to a level where it would result in an adverse impact as a result of overshadowing and loss of light.
13. A similar assessment is had with regards to the proposal and its ability to cause a sense of enclosure and be overbearing. The existing extension already causes a degree of built form close to the boundary, and the proposed increase in height caused by the extension, whilst noticeable from adjoining occupants, in this instance to the roof form and increase in height, would not be to the extent where it would be materially detrimental.
14. Turning to overlooking, due to the angle of the rear gardens, the first floor windows do not look straight down the garden as would be typical, but instead have somewhat direct views into neighbouring properties which are predominantly mitigated by the setbacks and distance between properties. However, there is some setback from the boundary from the existing building as constructed, and this remains unchanged by the approved two storey extension that has a bathroom and obscurely glazed window at first floor level. The proposed first floor would introduce a window to the rear at the closest point of the extension towards the rear boundary of the neighbouring dwellings. Whilst I agree with the appellant that there is already an extent of overlooking in this housing development which is relatively close-knit, this does not excuse an assessment of overlooking or that further overlooking is permissible. On my site visit I did not see any situations where direct overlooking such as proposed were present, and which would give a real perception of direct overlooking and lack of privacy.

15. In conclusion of this matter, whilst I have agreed with the appellant with regards to loss of light and sense of enclosure, the proposed scheme would be detrimental to the living conditions of surrounding residents as a result of overlooking. As such, the proposed scheme would be contrary to CP Policy A9 and CS Policies SD4 and SD14 as discussed previously.

Other Matters

16. I also note comments within the planning application from interested parties that raise concerns with regards to the noise and timing of building works from the previous application, as well as part of the boundary fence not being reinstated by the previous works. These concerns are not part of the current application and can therefore not be part of this determination.

Conclusion

17. Whilst I have agreed with the appellant with regards to matters involving overshadowing and sense of enclosure, when taken as a whole, this is not sufficient to override the harm caused towards the character and appearance of the building and locality, and the harm towards living conditions as a result of overlooking. As such I conclude that the appeal is dismissed.

J Somers

INSPECTOR