



Appeal Decision

Site visit made on 23 August 2023

by John D Allan BA(Hons) BTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 12th September 2023

Appeal Ref: APP/U1620/D/23/3324725

26 Kitchener Avenue, Gloucester, Gloucestershire, GL1 5EN

- 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 Shakila Begum against the decision of Gloucester City Council.
 - The application Ref 22/01105/FUL, dated 7 November 2022, was refused by notice dated 15 May 2023.
 - The development proposed is the erection of a 5m rear extension.
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Decision

1. The appeal is dismissed.

Main Issue

2. The main issue is the effect of the proposal on the living conditions at Nos 24 and 28 Kitchener Avenue with particular regard to visual impact and light.

Reasons

3. The appeal property is a two-storey, detached dwelling. No 24 to one side is a two-storey end of terrace. No 28 to the opposite side is a two-storey semi-detached dwelling. The proposal would add a 5m deep, single-storey flat roof extension to the rear of No 26 across the full width of the building.

No 24 Kitchener Avenue

4. According to an undisputed figure given by the Council, the appeal property is set away from the common side boundary with No 24 by around 0.6m. No 24 is set away from the same boundary by the width of a side pedestrian access. This neighbouring property has a two-storey outrigger with a further single-storey lean-to projection that is mirrored by its attached neighbour at No 22. The existing rear elevation of the appeal property approximately aligns with the depth of the outrigger at No 24, and by my estimate around 3m beyond its main rear elevation which includes one ground floor and one first floor window. Due to the existing arrangement of buildings, there is already a tunnel effect in the outlook from these rear facing windows, and with the rear garden space at this point reasonably tightly enclosed.
5. The proposed extension would project a further 5m beyond the main rear wall of No 24. At a height of around 2.9m it would exceed the height of a conventional residential boundary enclosure that could be erected, notwithstanding the low picket fence which currently exists. In my

assessment, due to excessive depth, its height, and its proximity to the boundary, the extension would impose itself at close quarters upon the outlook from the neighbouring ground floor living space, and from the immediately adjacent rear garden to No 24, as a visually dominant and intrusive addition. This would noticeably alter the existing arrangement and significantly and unacceptably exaggerate the existing sense of enclosure.

6. I am not persuaded by any substantive evidence that levels of natural light to the neighbour's internal living space would be significantly affected, but given the orientation of these properties, with No 26 to the south-west side of No 24, there would be some overshadowing to the adjoining garden space that would add a further degree of detriment.
7. Overall, I find the proposal would be harmful to the living conditions at 24 Kitchener Avenue.

28 Kitchener Avenue

8. Compared with No 24, there is a slightly greater separation distance between the flank wall of the appeal property and the common side boundary with No 28. No 28 is itself set away from the same boundary by the width of a pedestrian access. In addition, it has a single-storey rear extension nearest to the boundary with No 26 and which extends beyond the rear wall of the appeal property.
9. The proposed extension would project well beyond the extension to No 28. However, the outlook from the nearest ground floor rear facing windows would remain reasonably expansive, with no constraints imposed to it on the opposite side. Although there would be some visual intrusion in the outlook from No 28 due to the depth and height of the extension, I am not persuaded that the impact would be severe or significantly harmful to the neighbour's living conditions in this regard. Neither have I been presented with any evidence to demonstrate that there would be any significant impact upon levels of light to No 28.

Conclusions

10. For the reasons given, notwithstanding my findings as they relate to No 28, I find that the proposal would harm the living conditions at 24 Kitchener Avenue. There would therefore be conflict with *Policy A9: Extensions to existing dwellings* of the City of Gloucester Local Plan and *Policy SD14: Health and Environmental Quality* of the Gloucester, Cheltenham and Tewksbury Joint Core Strategy, adopted in 2017 as far as they both seek to protect the amenity and living conditions of adjoining land users.
11. The appellant asserts that an extension could be built to the rear of the appeal property as permitted development, but this would be smaller than the appeal proposal and does not justify the level of harm that I have identified. The appellant's criticism of the Council's approach to their assessment of the proposal with specific regard to the planning officer's site visit is noted, but this does not affect the merits of the case. Accordingly, and having regard to all other matters raised, the appeal is dismissed.

John D Allan INSPECTOR