



Appeal Decision

Site visit made on 16 April 2024

by Alexander O'Doherty LLB (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 18 April 2024

Appeal Ref: APP/U1620/W/23/3332875

17 Amberley Road, Gloucester GL4 6BB

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission.
 - The appeal is made by James Freeman against the decision of Gloucester City Council.
 - The application Ref is 22/00339/FUL.
 - The development proposed is described on the application form as, "new 2 bedroomed detached house next to 17 Amberley Road, Gloucester".
-

Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are the effect of the proposed development on:
 - the character and appearance of the area; and
 - the living conditions of the occupiers of 17 Amberley Road (No 17), with particular regard to sunlight and outlook.

Reasons

Character and appearance

3. The appeal site comprises No 17, a 2-storey end-of-terrace dwelling, and the land immediately around it. No 17 is situated at the end of a cul-de-sac, in a residential area. No 17 benefits from a parcel of land, present to the side of No 17. The proposed development comprising a detached dwelling would be sited on this land. The local area primarily consists of 2-storey terraced dwellings which are commonly consistent in terms of their architectural style, scale, and window placement.
4. The appeal site as a whole is wedge-shaped. Due to the narrowing of the site as it extends towards the carriageway of Amberley Road, little space is left between No 17 and the fence which abuts the public footpath. Although the proposed new dwelling would complement nearby dwellings on Amberley Road in terms of its overall height, its proposed materials, and its architectural style, the principal elevation of the proposed new dwelling which contains its front door would have a very narrow appearance in comparison with No 17 and many of the other dwellings along Amberley Road.
5. Its southern elevation, which would have a diagonal slant running broadly parallel to the fence adjoining the footpath, and the narrow width of the individual driveway which would lead to the proposed new dwelling, would both serve to further highlight the narrowness of the dwelling when compared to the

existing dwellings on Amberley Road, which are broadly similar in terms of the widths of their principal elevations and their frontages.

6. Moreover, both 15 Amberley Road (No 15) and No 17 are located beyond the end of the main part of the carriageway on Amberley Road. In its proposed location at the very end of the cul-de-sac, close to the footpath, and even further away from the carriageway than Nos 15 and 17, it would appear as a contrived addition to the street scene, rather than as a natural extension of the existing street pattern.
7. Furthermore, as the proposed 2-storey dwelling would be situated close to the boundary fence adjoining the footpath, it would appear as an overbearing structure in views from that footpath. Its siting in this location would also be at odds with the existing pattern of development of dwellings in plots which line either side of the footpath, which are predominantly set-back from the footpath by a comfortable distance.
8. The appellant has referred to examples of planning permissions granted for the erection of new dwellings in garden plots within the ward¹. However, as no plans have been provided relating to those examples a meaningful comparison with the appeal proposal cannot be made. Those examples therefore do not change my findings on this main issue.
9. I therefore find that the proposed development would have an unacceptable and harmful effect on the character and appearance of the area. It would conflict with part 1. i. of Policy SD4 of the Core Strategy² which provides that, amongst other things, new development should respond positively to, and respect the character of, the site and its surroundings, enhancing local distinctiveness, and addressing the urban structure and grain of the locality in terms of street pattern, layout, mass and form, and with part 6. of Policy SD10 of the Core Strategy which provides that, amongst other things, residential development should seek to achieve the maximum density compatible with good design, and the character and quality of the local environment.
10. The proposed development would conflict with part 2. of Policy A1 of the Gloucester City Plan 2011 – 2031 (adopted 2023) (Gloucester City Plan) which provides that, amongst other things, development proposals should not have a significant adverse impact on the character of the locality, and the appearance of the street scene.
11. The proposed development would also conflict with paragraph 135 c) of the National Planning Policy Framework (the Framework) which provides that, amongst other things, planning decisions should ensure that developments are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (such as increased densities).

Living conditions

12. Part of the proposed new dwelling would be set-back behind No 17. This part of the proposed new dwelling would be located near to the proposed new boundary fence which would enclose an area of private amenity space which lies directly to the rear of No 17.

¹ Local Planning Authority references: 21/0094/FUL, 22/00375/FUL, 22/00607/FUL, 22/00241/FUL

² Gloucester, Cheltenham and Tewkesbury Joint Core Strategy 2011 – 2031 (adopted 2017)

13. Much of the first-floor element of the proposed new dwelling would be set-away from this fence. Considering this, and the orientation of the proposed new dwelling and the path of the sun, any overshadowing caused would likely be limited in extent and mostly confined to winter afternoons. The proposed development would therefore have an acceptable effect on the living conditions of the occupiers of No 17, with particular regard to sunlight.
14. Nevertheless, the Council have calculated that the single-storey section of the proposed new dwelling closest to the proposed new boundary fence to No 17 would protrude above that fence by over approximately 1 metre for a stretch of approximately 5 metres, and these figures have not been disputed by the appellant. In addition, the rear-most 2-storey part of the proposed new dwelling would appear as a large and bulky structure in views from the private amenity space, even taking account of its position set-away from the fence. Overall, the proposed new dwelling would appear as an overbearing and intrusive structure in views from the private amenity space at No 17. Harm to the outlook from that area would result, which would significantly reduce the pleasantness of its use for the occupiers of No 17.
15. I have taken account of the height and positioning of 11 Amberley Road (No 11) in relation to the plot at 9 Amberley Road (No 9), but it has not been demonstrated that this relationship offers a desirable precedent to follow. In any event, I have found above that the proposed development would result in harm to the living conditions of the occupiers of No 17, and this would persist notwithstanding the existing situation with regards to Nos 9 and 11.
16. I therefore find that the proposed development would have an unacceptable and harmful effect on the living conditions of the occupiers of No 17, with particular regard to outlook. It would conflict with part 6. of Policy SD10 of the Core Strategy which provides that, amongst other things, residential development should seek to achieve the maximum density compatible with local amenity, and with part 2. i. of Policy SD14 of the Core Strategy which provides that, amongst other things, new development must cause no unacceptable harm to local amenity including the amenity of neighbouring occupants.
17. The proposed development would conflict with part 2. of Policy A1 of the Gloucester City Plan which provides that, amongst other things, development proposals should not have a significant adverse impact on the living conditions of neighbouring occupiers.

Other Matters

18. The Council did not refuse the application on matters relating to access, parking, the living conditions of the future occupiers of the proposed new dwelling, drainage, or flooding. However, even if I were to likewise reason that the proposed development would be in compliance with the development plan and the Framework in these respects, these would be neutral factors rather than ones which weigh positively in favour of the proposed development.
19. The Council has stated that it can presently demonstrate a 5-year supply of deliverable housing sites, and this has not been disputed by the appellant. Accordingly, paragraph 11 d) ii. of the Framework is not engaged.

Planning Balance

20. The proposed development would provide one new dwelling in an established residential area, in an accessible location, close to numerous services and facilities. It would accordingly provide a contribution towards the Government's objective of significantly boosting the supply of homes (mentioned at paragraph 60 of the Framework). In this regard, paragraph 70 of the Framework provides that, amongst other things, small and medium sized sites can make an important contribution to meeting the housing requirement of an area, and are often built-out relatively quickly. The proposed development would develop an area of land which currently appears to be under-utilised. In relation to this, Policy A1 of the Gloucester City Plan provides support for the effective and efficient use of land.
21. The above-mentioned benefits of the proposed development would however be constrained by the quantum of development proposed, of one new dwelling only. Little weight is therefore given to these benefits in support of the proposed development.
22. The proposed development would result in unacceptable and harmful effects on the character and appearance of the area and the living conditions of the occupiers of No 17. In combination, these adverse impacts are accorded great weight.
23. As a matter of planning judgement I therefore find that the other considerations in this case, which include the provisions of the Framework, do not indicate that the appeal must be determined otherwise than in accordance with the development plan.

Conclusion

24. For the reasons given above, having considered the development plan as a whole, the approach in the Framework, and all other relevant material considerations, I conclude that the appeal should be dismissed.

Alexander O'Doherty

INSPECTOR