

Appeal Decision

Site visit made on 30 May 2024

by G Powys Jones MSc FRTPI

an Inspector appointed by the Secretary of State

Decision date: 18th June 2024

Appeal Ref: APP/U1620/D/24/3340401

2A Zoons Road, Hucclecote, Gloucester, GL3 3NZ

- 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 Ian Bloomfield against the decision of Gloucester City Council.
 - The application Ref 23/00938/FUL, dated 22 November 2023, was refused by notice dated 12 January 2024.
 - The development proposed is a single storey side extension.
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Decision

1. The appeal is dismissed.

Main issues

2. These are the effects of the development on the living conditions of (a) future residents of the appeal property with reference to external amenity space provision and (b) the residents of the neighbouring dwelling at 54 Larkhay Road with reference to visual impact.

Reasons

3. The appeal property, a detached bungalow, is set in a part of a residential area wherein a substantial proportion of dwellings are bungaloid in nature. The existing dwelling occupies the southern part of the site, the remainder being open, being partly grassed and partly gravelled. The appellant envisages extending northwards, virtually to the side boundary shared with 54 Larkhay Road. The latter property is one of a pair of bungalows set on a different axis to the appeal property.
 4. It is common ground between the main parties that local policy requires a level of external amenity space to be provided reflecting the character of the area and the scale of the development. However, it appears that the Council has not adopted empirical guidance on the topic.
 5. The appellant's exercise showing the level of private amenity space available in some local bungalows is designed to demonstrate that the amenity space to be provided for the extended appeal dwelling compares favourably with some other bungalows in the locality. The exercise is useful to an extent, but is far from comprehensive. It also excludes the consideration of an important criterion in terms of local policy that reflecting the scale of the development. That, to my mind, includes the size of the extension, and the number of residents or bedrooms within the dwellings subject of the comparative exercise.
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6. The proposal envisages a significant change in the sense that the dwelling would be transformed from a small 2 bedroomed bungalow to one with 5 bedrooms, with an almost inevitable increase in the numbers of residents in occupation. At the same time, the amount of amenity space provided would significantly reduced¹. The amenity space would be restricted to an area of hard-standing at the rear. In my opinion, the much-reduced amenity area provided for the enlarged dwelling, which could feasibly accommodate a number of children, fails the necessary qualitative assessment required under the terms of local policy.
7. In addressing the effect of the proposal on the residents of 54 Larkhay Road, the appellant contends that *'whether a proposal can be considered to be 'overbearing' is inextricably linked to whether or not it causes an overshadowing impact'*. I agree that there may be a linkage to a degree, but it does not necessarily follow that a development not causing overshadowing would automatically not prove overbearing. 'Overshadowing' and 'overbearing' are distinct issues in planning terms.
8. In this case the development as envisaged would extend virtually the full width of the plot to within a metre or so of the boundary separating the appeal site from No 54 at a point where No 54's fenestrated side elevation faces the site. Parts of the proposal's roof would be clearly seen from these windows at close quarters and closer from the side access to the property, irrespective of the presence of an intervening fence. To my mind the development extends far too close to the boundary and could not fail to materially affect and harm No 54's residents because of its overbearing and oppressive nature.
9. I therefore share the Council's concerns and conclude that the proposed development shows clear symptoms of overdevelopment of the site in the sense that, firstly, it would materially affect the living conditions of future residents on account of both the quality and extent of external amenity space provided and secondly, prove an un-neighbourly development on account of its adverse visual effects on the residents of 54 Larkhay Road.
10. Accordingly, a clear conflict arises with those provisions of policies SD4 & SD14 of the Gloucester, Cheltenham and Tewkesbury Joint Core Strategy and policies A1 & A9 of the Gloucester City Plan directed to avoiding overdevelopment, providing an acceptable level of outdoor amenity space and protecting the living conditions of neighbouring or future residents.

Other matters

11. The representations made by local residents have been taken into account, and I have addressed the main planning-related points raised. No other matter raised in the representations is of sufficient merit as to outweigh those that led me to my conclusions.

G Powys Jones

INSPECTOR

¹ The appellant's point about the absence of private amenity space on the site is noted but is not persuasive. Privacy could be simply achieved by the erection of a fence or by planting.