



Appeal Decision

Site visit made on 30 July 2024

by Eleni Randle BSc (hons) MSc FRICS FAAV MRTPI

an Inspector appointed by the Secretary of State

Decision date: 12th August 2024

Appeal Ref: APP/U1620/D/24/3344224

30 Pembroke Street, Gloucester, Gloucestershire, GL1 4EG

- 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 & Mrs Salenbhai against Gloucester City Council.
 - The application Ref is 23/00958/FUL.
 - The development proposed is erection of a rear dormer window to facilitate loft extension. Extension to rear projection to provide an additional storey.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. I have utilised the Council's description of the development as per the decision notice as I feel it more concisely describes the development.

Main Issues

3. The main issues are the impact of the proposal upon i) the street scene and existing dwelling and ii) neighbouring residential amenity with regard to loss of light, overbearingness, and overshadowing.

Reasons

Street scene and existing dwelling

4. The appeal site is a two-storey, end of terrace, dwelling which, to the rear, benefits from an existing two-storey rear projection set down from the main roof line with a mono pitched roof sloping away from the boundary with Dinely Street. To the rear of this is a single storey rear extension with a matching roofline. The proposal seeks permission for the construction of a rear dormer window, the associated conversion of the loft area as well as the addition of what would be a third storey above the existing two-storey rear projection.
5. The appellant's statement of case makes reference to a previous application¹ and whilst it is stated that this application is included with this appeal, the documentation referred to does not appear to have been uploaded with the appeal submission. The appeal form, dated 13 May 2024, confirms that the appeal statement was uploaded and that two documents/files were uploaded to support the appeal which are referred to as letter page 1 and letter page 2 respectively which I can see are the handwritten pages of a letter from the neighbouring property. I do not, therefore, have full details of the application

¹ 23/00110/LAW

that is referred to by both parties, but I understand, from the Council's delegated report, that the proposals refused within 23/00110/LAW were identical to the proposals which are before me within this appeal. I note the appellant's comments in relation to 23/00110/LAW, however, that is not the application, which is the subject of this appeal, so it is not within the scope of this appeal to comment upon, or deal with, matters arising or matters of disagreement within any previous application at the appeal site.

6. The Council confirm that the lawful development certificate was refused as the works fell outside the relevant parameters set out within the General Permitted Development Order. It has, therefore, been confirmed that the proposals as they cumulatively appear before me do not constitute permitted development and require planning permission. I attribute limited weight, therefore, to the statement that the proposals are very close to the permitted development. As a result of this the proposals must be determined within the context of the Local Plan as the starting point for determination in accordance with S38(6) of the Planning and Compulsory Purchase Act 2004.
7. The proposals would not be visible, from the front elevation, from Pembroke Street as they are situated to the rear of the dwelling, however, at the time of my site visit, I found that the dwelling is in a highly prominent location due to it being an end of terrace with the side and rear elevations being highly visible within the street scene of Dinely Street. I note that there are examples of rear dormers within the vicinity, meaning that dormer windows are themselves not uncharacteristic, but many of these appear to be more modest and sympathetically designed.
8. The proposed dormer window would take up the vast majority of the host dwelling's roof and would be highly prominent within clear views available from the adjacent street. The dormer window itself would harm the character of the street and the proposed windows, within the dormer, fail to relate well to the existing windows within the host property. This, combined with the interaction of the proposed additional storey, I find to result in the proposals appearing dominant and awkward in the context of the host dwelling. I acknowledge, that, taken on its own, (as confirmed by the Council) the dormer would likely constitute permitted development and note this as a fallback position. If this proposal failed, the appellant may proceed to construct the dormer within the confines of permitted development beyond the control of the Council, however, the proposals before me also include a proposed additional storey to the existing mono-pitched rear projection.
9. The additional storey would increase the height of the existing rear projection to in the region of 7.2 metres for a depth of around 7.5 metres which would look disproportionate, as an addition, to the host dwelling itself as well as introducing an uncharacteristically large wall, with a lack of design features, which would be an overbearing and dominant feature resulting in a negative impact upon the appearance of the host dwelling and the street scene itself. Cumulatively the proposed works would, I find, represent overdevelopment of the site and the resultant mass, scale and overall height of the proposals would not be appropriate to the site. I find that they would appear visually cramped and overdeveloped resulting in significant harm to the appearance of the street scene of Dinely Street as a result of its prominent location on the end of the terrace at the junction of Pembroke Street and Dinely Street.

10. The proposal would be contrary to Gloucester City Plan 2023, (LP) Policy A9 which requires that the plot size of the existing property is large enough to accommodate the extension without resulting in a cramped or overdeveloped site and that proposals that result in an inappropriate increase in the scale, form or footprint of the original building would not be permitted as well as that the height, size and design of the extension are in keeping with the scale and character of both the existing dwelling and its wider setting. The proposal would also be contrary to Gloucester, Cheltenham, and Tewkesbury Joint Core Strategy 2017 (CS) Policy SD4 which requires new development to respond positively to, and respect the character of, the site and its surroundings as well as being of a scale and type appropriate to the site and its setting.
11. The proposal would also be contrary to the guidance set out within the Gloucester City Home Extension Guide Supplementary Planning Document 2008 (SPD) which seeks to ensure that extensions are of a style, form and design that is appropriate and respectful to the character of the locality and the appearance of the existing house – extensions should not be overly large or swamp the original property with window design normally matching those used in the original house.

Neighbouring residential amenity

12. The existing rear extensions, and projections from the host dwelling, already stand within the 45-degree splay of closest rear facing window at the neighbouring property, 28 Pembroke Street (no. 28). The proposals would not, essentially, see increase in the proportion of either splay but there is potential for an exacerbated sense of enclosure to the two side facing windows on the rear projection of no. 28 which would likely lessen the availability of light to the windows in question owing to the overall increase in height. Notwithstanding loss of light, even if I had concluded that the proposal was acceptable in terms of light to the rear and side facing windows of no. 28, this is separate to the issue of overbearing impact.
13. The increased height of the rear projection, which would see the eaves height increase by in the region of 2 metres and overall height in the region of 6.3 metres, I find would exacerbate the existing presence of built form to the rear of the host dwelling further contributing to the existing tunnelling pattern. The flank wall of the proposals would be in the region of 2 metres from the shared boundary which, as a result of increased height, I find would result in overbearing impact which is exacerbated in terms of actual impact as a result of the small garden area/outdoor amenity space which is available to no. 28 which is apparent from the submitted plans.
14. Overall, I find that the proposals are highly likely to result in cumulative negative impacts to the residential amenity of neighbouring occupiers with particular regard to overshadowing and overbearing impact which is sufficient to warrant refusal. I note that the appellant has submitted a letter, from the neighbouring occupant, which outlines no objection to the proposals in relation to residential amenity, I have taken this into account, however, proposals should (in all cases) be considered in relation to potential impact upon existing and future occupiers. The development would likely stand beyond the lifetime, or property ownership, of many occupants. Even if I had found the proposal acceptable with regard to residential amenity, the appeal would still have failed due to the first main issue insofar as I find the proposal would cause significant

harm to the appearance of the street scene and would relate unsympathetically to the existing dwelling.

15. The proposal would be contrary to CS Policy SD14 which outlines that new development must cause no unacceptable harm to local amenity including the amenity of neighbouring occupants and LP Policy A9 which requires that the living conditions of neighbouring occupiers be not unduly harmed by the proposal as a result of overshadowing, or overbearing development. The proposal would also be contrary to paragraph 135 f) of the National Planning Policy Framework 2023 which seeks to ensure developments create places with a high standard of amenity for existing and future users as well as the SPD which sets out guidance, in Section 2, which seeks to ensure that extensions must not unreasonably impact upon the amenities enjoyed by neighbours.

Other Matters

16. The appellant has raised matters relating to contact with the planning officer during the determination of the application. I note comments made with regard to whether or not officers visited the site itself, as well as comments raised by both the appellant and the neighbour as to the approach which is stated to have been taken by the officer during the neighbouring site visit. Despite this, the handling of the application itself, prior to this appeal, is not within the scope of this appeal which I have determined on its own merits based upon my site visit and the evidence which is before me.
17. The application is not accompanied by an application for costs which would, for example, enable me to consider such procedural or substantive matters which have resulted in the proposal ending up at appeal. If there is concern as to the conduct of case officer's during site visits this should be raised with, and considered against, any relevant procedures or feedback processes which the Council have in place themselves.

Conclusion

18. For the reasons outlined above, and taking account all other matters raised, I conclude that the appeal should be dismissed.

Eleni Randle

INSPECTOR