



Appeal Decision

Site visit made on 10 September 2024

by Rebecca McAndrew, BA Hons, MSc, PG Dip Urban Design, MRTPI

an Inspector appointed by the Secretary of State

Decision date: 24 September 2024

Appeal Ref: APP/U1620/W/23/3334265

42 Freemans Road, Tuffley, Gloucester GL4 0XJ

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a failure to give notice within the prescribed period of a decision on an application for planning permission.
 - The appeal is made by Mr Ben Lockwood against the decision of Gloucester City Council.
 - The application Ref is 23/00621/FUL.
 - The development proposed is a new rear orangery extension, garage conversion and the installation of 2 obscure glazed windows to the side elevation.
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Decision

1. The appeal is allowed and planning permission is granted for a new rear orangery extension, garage conversion and the installation of 2 obscure glazed windows to the side elevation at 42 Freemans Road, Tuffley, Gloucester GL4 0XJ in accordance with the terms of the application, Ref 23/00621/FUL, subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
 - 2) The development hereby permitted shall be carried out in accordance with the following approved plans: 001A, 005A, 010A, 090A, 100A
 - 3) The external finishes including materials used in development hereby permitted shall match those of the existing dwelling.
 - 4) The bathroom windows on the side elevation of the dwelling hereby permitted shall be fitted with obscured glazing (Pilkington Level 4 or equivalent), and no part of those windows that is less than 1.7 metres above the floor of the room in which it is installed shall be capable of being opened. Once installed the obscured glazing shall be retained thereafter.

Preliminary and Other Matters

2. The appeal relates to a planning application that was not determined by the Council within the prescribed period. The Council has subsequently issued an Officer Report (OR) for the purposes of this appeal highlighting that it would have recommended that the application for planning permission be approved, subject to conditions. The OR sets out that the main considerations in determining the proposal would be the effect of the proposal on the character

- and appearance of the site and area and the effect on the living conditions of neighbouring occupiers.
3. The OR indicates that the proposed single storey rear extension would not be visible within the streetscene and would sit comfortably in the context of the existing property, in terms of scale and design. It also notes that the proposed removal of the garage door and in-fill with reconstituted stone would successfully respond to the character and appearance of the existing dwelling and area.
 4. In view of the above, the Council raises no objection to the appeal proposal in respect of effect on character and appearance. As such, the OR finds that the proposal would accord with Policy SD4 of the Gloucester, Cheltenham and Tewkesbury Joint Core Strategy 2011-2031 (2017) (CS), Policy A9 of the Gloucester City Plan 2011 – 2031 (2023) (GCP), the principles of the Gloucester City Council Home Extension Guide Interim Adoption Supplementary Planning Document (2008) (SPD) and Section 12 of the National Planning Policy Framework. Taken together, these seek to secure good quality design which protects the character and appearance of the site and area.
 5. The OR continues to confirm that, given the design, scale and siting of the proposed garage conversion and rear extension, these elements of the proposed development would not result in an unacceptable level of overshadowing, overbearing, loss of light, loss of privacy or disturbance to neighbouring occupiers. Also, the proposed new bathroom windows would include obscure glazing to safeguard against unacceptable loss of privacy to the residents of adjacent property, No 40 Freemans Road.
 6. In view of the above, the Council raises no objection to the appeal proposal in respect of effect on the living conditions of neighbours. As such, the OR finds that the proposal would accord with CS Policy SD4, Policy A9 of the GCP and the principles of the SPD. Taken together, these seek to protect the living conditions of neighbouring occupiers.
 7. Based on my observations on site and my review of the relevant development plan policies, I fully concur with the Council's assessment and its findings as set out within the OR. The development would not harm the character and appearance of the site and area or the living conditions of neighbours. There is no evidence before me that would lead me to reach a different finding or to question the acceptability of the proposed development.
 8. In view of the above, and as the appeal proposal is acceptable, there is no need for me to consider the proposed development further. As there haven't been any comments from interested parties, there are no 'other matters' that I need to have regard to.

Conditions

9. I have considered the Council's suggested conditions, set out in the OR against the advice in the Framework and the Planning Practice Guidance chapter on the use of planning conditions.
10. I have attached conditions on the time limit for development and plans in the interests of certainty. A materials condition is necessary to ensure the development would be in keeping with the character and appearance of the site

and area. A condition requiring the proposed side windows to include obscure glazing will safeguard the privacy of the neighbouring occupiers.

Conclusion

11. For the reasons given above, and having taken all the matters raised into account, I conclude that the appeal should be allowed.

Rebecca McAndrew

INSPECTOR