



Appeal Decision

Site visit made on 8 October 2024

by Jonathan Edwards BSc(Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 11th October 2024

Appeal Ref: APP/U1620/W/24/3345379

22 Conduit Street, Gloucester, Gloucestershire GL1 4XF

- 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 Mr Roger Akram against the decision of Gloucester City Council.
 - The application Ref is 23/00988/FUL.
 - The development proposed is change of use from existing 5 bedroom HMO into 6 self-contained 1 bedroom flats.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The description of development in the header is from the application form. On its decision notice the Council uses the description "extend and convert existing 5 bedroom HMO into 6 self-contained flats". The appeal drawings show the extension and alterations to the appeal property as well as the change of use. As such, it is fair to base my assessment on the description used by the Council. No injustice would be caused to the appellant in taking this approach.
3. Through the written appeal submissions, the appellant has mentioned various changes to the proposed development, suggested as mitigation to address some of the concerns raised by the Council. These include relocating the proposed cycle store, re-designing the rear extension to reduce its mass, additional landscaping and the inclusion of communal indoor amenities to supplement outdoor space. Also, it is suggested adjustments could be made during construction of the development to address concerns relating to accessible homes.
4. It is important that a planning appeal is not used as a way to evolve a proposal and that the scheme I assess is largely the same as that considered by the Council. To base my decision on anything other than the submitted plans could cause injustice to the Council or other parties interested in the proposal. Therefore, my assessment is based on the details of the development as shown on the appeal drawings.
5. Since the Council's decision on the application leading to this appeal, the government has initiated consultation on revisions to the National Planning Policy Framework and the planning system. Also, the Secretary of State has published a written ministerial statement entitled "Building the homes we need". I have not sought the main parties' comments on these documents as they do not materially affect the relevant factors with this appeal.

Main Issues

6. The main issues are (i) the effect of the development on the living conditions of occupiers of 24 Conduit Street (No 24) in terms of outlook and access to light, (ii) whether the development would provide sufficient living conditions for future residents in terms of internal floorspace and the amount of garden, (iii) whether the proposed cycle parking facilities would be suitable, (iv) whether the development would provide an appropriate number of accessible homes, (v) the effect of parking associated with the development on highway safety and access, and (vi) drainage and flood risk issues.

Reasons

Effect on living conditions for occupiers of No 24.

7. No 24 adjoins the appeal site. Side facing windows in the main part of No 24 and in a rear extension provide views towards the appeal property (No 22). Also, No 22 is clearly seen at close quarters from No 24's small back garden. As such, the appeal property already affects the outlook from No 24 and it causes a degree of overshadowing.
8. However, the side wall of the proposed extension would be on the common boundary with No 24. Also, the extension would be 3 storeys high and so it would be markedly taller and bulkier than the existing 2 storey high projection to the rear of No 22. Through a combination of its proximity, height and overall size, the extension would cause a significant additional overbearing effect on No 24. Also, it would cause a severe sense of enclosure and an associated darkening effect onto No 24's side and rear windows as well as its garden. New landscaping or boundary treatment would not address these dominating effects.
9. For these reasons, I conclude the development would cause harm to the living conditions of occupiers at No 24 in terms of outlook and light. In these regards, the proposal would not accord with policy SD14 of the Gloucester, Cheltenham and Tewkesbury Joint Core Strategy 2017 (JCS). Amongst other things, this policy seeks to ensure new development avoids unacceptable harm to the amenity of neighbouring occupants.

Living conditions for future residents.

10. Policy F6 of the Gloucester City Plan 2023 (GCP) requires new residential development to meet Nationally Described Space Standards (NDSS). Under the terms of the NDSS, each of the 1 bedroom flats should have a minimum internal floor area of 37m². The appeal drawings indicate that 2 of the flats would measure about 35.6m² and so below the minimum standard. The shortfall in internal space against NDSS is fairly minor and the plans show how each apartment could be laid out so as to enable sufficient space for normal domestic activities. Nonetheless, it is evident that the development would not accord with NDSS and so it would conflict with GCP policy F6.
11. Moreover, No 22 has a fairly small rear garden. The proposal includes the erection of a cycle store that would further reduce the amount of garden space for residents of the flats. Also, the whole of the garden would be easily overlooked from the windows in the rear wall of the proposed extension and so it would not provide a private outdoor space.

12. I am taken to no policy or guidance that stipulates a minimum amount of garden. However, to my mind, the proposed outdoor space would be insufficient to serve the occupants of 6 separate flats. None of the occupants would have a private external space solely for their own enjoyment and the small amount of garden would significantly limit its useability and attractiveness. New landscaping and seating areas would not overcome the inadequacies of the garden in terms of its size.
13. The appellant states the development includes communal indoor facilities but none are shown on the plans. In any event, indoor communal areas would not serve the same function as a private garden. For the same reason, nearby public open spaces and recreation facilities would not address nor justify the lack of attractive private outdoor space associated with the development.
14. For these reasons, I conclude the proposal would not provide acceptable living conditions for future residents in terms of internal floorspace and the amount of garden. As well as the conflict with GCP policy F6, the development would also be contrary to JCS policy SD4 and GCP policy A1. Amongst other things, these seek to ensure development provides outdoor amenity space that reflects the scale of the proposal.

Cycle facilities.

15. The development includes the provision of a cycle store in the back garden. However, it is unclear how residents would get a cycle to and from this store when considering the extent of the appeal site as defined by a red line on the submitted Site Plans and Site Location drawing. The proposed extension would extend across the whole width of the plot as shown on the plans and so there would be no external walkway on either side linking the front of the property to the back garden. Moreover, there is only 1 door into the proposed development on the side elevation. There is no communal doorway directly out onto the back garden as the whole of the ground floor element of the proposed extension would be occupied by one of the proposed flats.
16. The appellant indicates that there is a right of way onto the rear garden from adjoining land. However, this is not indicated on the plans and it is not shown as being within the defined appeal site. Consequently, I am unable to impose a planning condition if allowing the appeal to ensure this right of way is maintained to allow easy access for cyclists onto the back garden.
17. For these reasons, I conclude the development would not provide suitable cycle storage facilities. In these respects, it would not accord with GCP policy G1, which looks for cycle parking within development to be easily accessible. The Council's refusal reason also refers to JCS policy INF1 but this contains no provisions relevant to this issue.

Accessible homes.

18. GCP policy A6 requires 25% of housing development to be of a size, configuration and internal layout to meet Building Regulations requirement M4(2). Within its provisions, M4(2) sets out standards to ensure residences are accessible. The aim is to ensure dwellings are able to accommodate the elderly and those with injury or a disability.
19. The justification to GCP policy A6 states that compliance with M4(2) should be demonstrated in the design and access statement as part of a planning

application. The appellant says 4 of the flats would meet the M4(2) standards, well in excess of the 25% requirement. However, there is no information before me that confirms the design and the internal layout of any of the flats would accord with the standards. This is of a particular concern as 4 of the flats would be at first floor level or above and given the identified shortfall in internal floor space for 2 of the flats when considered against NDSS. It would be unreasonable to impose a condition that requires 25% of the flats to accord with M4(2) without any evidence to show the proposal is likely to comply with the standard.

20. For these reasons, I conclude the development would not provide an appropriate number of accessible homes. In these respects, it would not accord with GCP policy A6.

Parking and highway safety.

21. The appeal site includes no car parking spaces and none are proposed as part of the development. As such, it is likely that car-owning occupiers of the flats and visitors in vehicles would be dependent on street parking.
22. Gloucestershire County Council (GCC) suggests that at least 6 off-street parking spaces should be provided, according to Manual for Gloucestershire Streets standards and Gloucester Local Plan parking standards. However, these documents have not been submitted. Moreover, GCP policy G1 states that the level of car parking as part of new development should be appropriate to the local context considering a number of factors. The car parking standards mentioned by GCC are not referred to in the GCP policy G1. Therefore, I consider the claimed failure to accord with parking standards should not be determinative on this matter.
23. Unrestricted parking is permitted on parts of Conduit Street and other nearby local roads although there are double yellow lines immediately outside the appeal site. From my observations it seems there is a high demand for roadside parking near to the site due to street-parking restrictions and the number of properties without off-road parking facilities. Within this context, the lack of designated parking to serve the development would not be unusual, particularly as there is currently no parking on the appeal site.
24. No 22 is in an urban area where there appears to be reasonable access to local services and bus links. As such, it is fair to assume occupiers of the flats would not be highly reliant on private car travel and so may be less likely to own a vehicle. Moreover, it is reasonable to expect that the level of car ownership for the occupants of 6 single bedroom flats would be similar to that for the 5 bedroom HMO. Therefore, the development would generate only a modest increase in demand for street parking compared to the existing situation.
25. Moreover, it is unclear from the Council's and GCC's evidence as to how parking associated with the development would undermine highway safety or result in obstruction. It is inappropriate to assume that occupants of the development and visitors would park unlawfully on the double yellow lines outside the site, particularly as there are other lawful street parking opportunities opposite and elsewhere within short walking distances.
26. For these reasons, I conclude parking from the development would not have an unacceptable effect in respect of highway safety and access. In these

regards it would accord with GCP policy G1. The Council's objections refer to JCS policy INF1 but this contains no provisions on the issue of parking. The absence of harm in these respects is a neutral factor in my overall assessment.

Drainage and flood risk.

27. A soakaway is proposed in the back garden to serve the development. The Council is concerned with this proposal as no percolation tests have been carried out to demonstrate the soakaway would be appropriate and that it would avoid flooding elsewhere. However, it is noted that there is a combined public sewer system in the road and so there is a feasible surface water drainage option in the event that the proposed soakaway is not practicable. To my mind, this is a matter that could be reasonably dealt with through the imposition of a condition that requires drainage details to be submitted and approved. Such a condition would secure an appropriate surface water drainage scheme that avoids an increase in flood risk.
28. For these reasons, I conclude the development would have acceptable effects in terms of drainage and flood risk. In these regards, it would accord with JCS policy INF2 and GCP policy E4. These require the proper management of surface water so as to avoid flood risk and the provision of suitable sustainable drainage systems unless shown to be not feasible. My conclusion on this matter is a neutral factor in my overall assessment.

Other considerations and planning balance.

29. I have found the development would be unacceptable in respect of the first 4 main issues. Therefore, the proposal would be contrary to the JCS and GCP when read as a whole. It follows to consider whether there are other factors that justify granting planning permission contrary to the development plan.
30. There is no objection from the Council on the development's effect on the character and appearance of the area. However, acceptability in these regards is a neutral factor rather than a benefit to which I attach positive weight.
31. The development would make a more efficient use of the site in terms of providing accommodation for more people. Also, it would boost the supply of housing. However, this would be a fairly modest benefit given that the property as a HMO already accommodates 5 people and as the Council states it can show in excess of 5 years' supply of land for new housing.
32. The proposal would bring economic benefits in terms of generating construction employment and future occupants supporting local businesses and services. The advantages in these respects would be limited given the scale of the development. Overall, I find the benefits of the scheme attract no more than moderate weight and are insufficient to justify granting planning permission contrary to development plan policies.

Other Matter

33. GCP policy E6 seeks to ensure development does not affect the integrity of the Cotswold Beechwoods Special Area of Conservation (SAC), either alone or in combination with other projects. The Council is concerned that the proposal would result in additional residential units and so increase recreational pressure on the SAC. It is suggested that mitigation in the form of

contributions to address the ill-effects of the development are required. However, I am dismissing the appeal for other reasons and so there is no need for me to consider this matter further. A finding that the development would be acceptable in these respects would not affect my overall conclusion.

Conclusion

34. For the reasons given above, I conclude the appeal should be dismissed.

Jonathan Edwards

INSPECTOR