



Appeal Decision

Site visit made on 3 January 2025

by **O Marigold BSc DipTP MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 9 January 2025

Appeal Ref: APP/U1620/W/24/3347794

Land to the rear of 101 Reservoir Road, Gloucester GL4 6SZ

- 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 and Mrs Iain and Linda Wall against the decision of Gloucester City Council.
 - The application Ref is 21/01201/FUL.
 - The development proposed is construction of 5 dwellings and associated infrastructure, including access, parking and ancillary works.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. As part of the appeal, the appellant has provided an amended plan showing changes to the external materials, including that they shall be agreed with the Council. Given the small nature of the change, and that the Council has commented on the amended plan, no party would be prejudiced if I take this plan into account. I shall therefore make my decision on this basis.
3. A Unilateral Undertaking (UU) pursuant to S106 of the Town and Country Planning Act 1990, dated 8 October 2024, has been submitted during the appeal. This makes provision for a financial contribution to mitigate the effects of the proposal on the Cotswold Beechwoods Special Area of Conservation (SAC). It has not been signed by one of the parties, but I have considered the appellant's representations on this matter. The Council has had the opportunity to comment on the UU, and so I shall take it into account.
4. Since the appeal was made, a revised National Planning Policy Framework (the Framework) has been published. Although I have made my determination against the updated national policy context, the relevant changes to the Framework are not fundamental to matters which are determinative to the outcome of this appeal.

Main Issues

5. The main issues are the effect of the proposal on: (1) the living conditions of the occupiers of numbers 7, 8 and 9 Ashmore Road (Nos. 7, 8 and 9), and of dwellings in Robinswood Gardens, having regard to their outlook and light, (2) whether the proposal would make adequate provision for cycle and bin storage for its future occupiers, and (3) the effect of the proposal on the character and appearance of the area.

Reasons

Living Conditions

6. The site lies within a predominantly residential, suburban area of Gloucester. It consists of overgrown land adjacent to existing dwellings including semi-detached properties in

Ashmore Road, and terraced houses in Robinswood Gardens. The proposal seeks to erect five units, in the form of a terrace of four properties (Plots 1 to 4), and a separate detached dwelling (Plot 5). Access would be taken from Reservoir Road.

7. Proposed Plot 5 would immediately adjoin the end of the garden of No. 7, while proposed Plot 4 would be close to the rear garden of No. 8, which is much shorter than many others locally. The proposed dwellings would have hipped roofs, limiting their scale at roof level. I have also taken into account the proposed external materials which also seek to reduce its impact.
8. Even so, the closest elevations of the dwellings on Plot 4 and Plot 5 would be wide and tall, resulting in a large scale and mass. As such, taken together with their close proximity, they would have a dominating and overbearing impact on the occupiers of the gardens of No. 7 and No. 8, making them less pleasant places to reside. Despite the intervening rear pathway, I reach the same conclusions with regard to the effect of the flank wall of Plot 1 on the rear amenity space of 32 Robinswood Gardens (No. 32). Given the short distance to the dwelling at No. 8, the proposal and its scale would also harm the outlook from the rear windows of this existing dwelling, despite its angled position.
9. Plot 4 would also be adjacent to the garden of No. 9. However, only a short section of the proposed dwelling would adjoin it. As a result, the proposal would not have a harmful effect on the occupiers of this garden or dwelling. I reach a similar conclusion in respect of properties in Robinswood Gardens, other than No. 32.
10. The appellants' Daylight and Sunlight Report states that, with one exception, the proposal would result in daylight to the windows and garden areas of neighbouring properties meeting the Building Research Establishment guidelines¹. The exception is a window at No. 8 which would not pass the vertical sky component. However, an overhang partially obstructs this window, and the affected room appears to be served by other windows.
11. Although the Daylight and Sunlight Report has not been subject to specialist assessment by the Council, it does not dispute its findings. I see little reason to disagree, and so the proposal would not result in unacceptable levels of day and sunlight to neighbouring properties, including No. 8. Nevertheless, these conclusions do not change my concerns with regard to outlook identified above.
12. For the reasons given, the proposal would harm the living conditions of the occupiers of numbers 7 and 8 Ashmore Road and 32 Robinswood Gardens having regard to their outlook. It would therefore conflict with Policy SD4 of the Gloucester, Cheltenham and Tewkesbury Joint Core Strategy (JCS), adopted December 2017. This requires new development to enhance enjoyment of external space, and the avoidance of visual intrusion. I give this conflict substantial weight in the planning balance.

Bin and Cycle Storage

13. The proposal includes bin stores to the front of each dwelling, but the shared drive is not wide enough for easy access by refuse collection vehicles. Instead, an area for bin collection is proposed adjacent to the site entrance at Reservoir Road. This would require occupiers of Plots 1 to 4 in particular to take their bins along the shared drive for collection.
14. The site has a gentle gradient. As a result, heavy, full bins would be taken slightly downhill, on a hard surface. The size of the amenity spaces may not generate significant amounts of garden waste. Even so, as a matter of planning judgement, the long distance involved between the plots and the collection point would be excessive and unsuitable,

¹ Site Layout Planning for Daylight and Sunlight: a guide to good practice, 3rd Edition.

particularly for those of limited mobility. Manoeuvring the bins over this lengthy distance could well adversely affect the health of occupiers.

15. Intending occupiers may be aware of the issue at the outset. That said, people's health circumstances can change over time, as may the frequency of bin collections (and so potentially the weight of full bins). Accordingly, this does not provide a good reason to justify the remote location of the bin collection point.
16. Policy G1 of the Gloucester City Plan (GCP), adopted January 2023, requires that cycle parking is easily accessible. Its supporting text makes clear that for development such as the proposal, the use of 90-degree bends is not acceptable. To access the cycle storage area, occupiers of Plots 2 and 3 would need to take bicycles along a side pathway and then negotiate a 90-degree bend in one corner. As such, despite the provision of a landscaped strip beside Plot 4, the proposal would not result in cycle parking that accords with Policy G1.
17. As an alternative, the appellant has suggested that a combined bin and cycle store could be positioned in front of Plots 2 and 3. However, no plan showing this change is before me. Such an arrangement could adversely affect the appearance of the site, or occupiers' living conditions. Consequently, it would not be appropriate to leave this matter to a condition.
18. For the reasons given above, the proposal would not make adequate provision for cycle and bin storage for its future occupiers. It would therefore conflict with GCP Policy A1 which requires appropriately located and accessible bin storage areas, and JCS Policy SD14 which seeks to resist conditions that could impact health. As set out above, the proposed cycle parking would conflict with GCP Policy G1. I give these conflicts significant weight in the planning balance.

Character and Appearance

19. Many dwellings in the area, for example on Reservoir Road, have red brick and render as their external facing materials. In contrast, the use of timber cladding above brick is common on other streets such as Darwin Road, Robinswood Gardens and Ashmore Road. Some of these properties are visible from Reservoir Road.
20. The amended plan indicates that cladding and bricks would be used for Plots 1 to 4 but also states that materials will be agreed with the Council. Although accessed from Reservoir Road, these plots would be closer to dwellings either side in Robinswood Gardens and Ashmore Road and would be seen in that context. As a result, the cladding indicated would not in my view appear out of place. In any case, this is a matter which could be left to a planning condition.
21. For these reasons, the proposal would not have a harmful effect on the character and appearance of the area. It would therefore comply with JCS Policy SD4 and CGP Policy F1, which requires that external materials and finishes are appropriate to the site and its setting.

Other Matters

22. Construction of the proposal would make a positive economic contribution locally, for instance to the building industry. Its future occupiers would also make social and economic contributions to the area. The proposal would result in the efficient use of land in an urban area close to services and facilities. It could be delivered relatively quickly. Being for five dwellings, I give these benefits moderate positive weight.
23. The proposal would add to the supply of housing. Paragraph 11 of the Framework states that where policies which are most important for determining the application are out-of-date, permission should be granted unless, relevant to this appeal, any adverse impacts of

doing so would significantly and demonstrably outweigh the benefits, assessed against the policies in the Framework.

24. At application stage, there was no dispute that the Council could demonstrate an adequate supply of housing land under the Framework then in force. However, even if Paragraph 11 were now engaged as a result of the new Framework, for the reasons given above the adverse impacts of the proposal would significantly and demonstrably outweigh its benefits to the supply of housing.
25. The Council's seventh reason for refusal refers to the absence of a payment for mitigation against the effects of the proposal on the SAC, which is protected pursuant to the Conservation of Habitats Regulations 2017. The UU seeks to secure this payment. Had I found no harm in respect of the main issues, as competent authority I would have carried out an Appropriate Assessment in respect of the potential effects of the proposal on the SAC. However, as permission is being refused for other reasons, this matter need not be considered any further in this case.

Planning Balance and Conclusion

26. I have found conflict with the Development Plan, for the reasons set out above. The material considerations in this case, including the Framework, do not indicate a decision other than in accordance with the Development Plan. This leads me to conclude that the appeal should be dismissed.

O Marigold

INSPECTOR