
Appeal Decision

Site visit made on 20 February 2025

by **B Phillips BSc MSc MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 14 March 2025

Appeal Ref: APP/U1620/W/24/3355642

125 Park Avenue, Longlevens, Gloucester GL2 0EQ

- 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 Paul Hartley against the decision of Gloucester City Council.
 - The application Ref is 24/00147/FUL.
 - The development proposed is a 2 bed dwelling.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The Government published in December 2024 a revised version of the National Planning Policy Framework (the Framework). Both main parties have had opportunity to comment on the new Framework and I have taken into account any representation made.
3. Drainage details have been provided as part of the appeal. The Council has confirmed that, subject to conditions, the submitted details are appropriate, and no longer wish to contest this reason for refusal.

Main Issues

4. As such, the main issue in this case are:
 - the effect of the development on the character and appearance of the host dwelling and surrounding area;
 - the effect of the proposal on the living conditions of the occupiers of neighbouring dwellings with respect to noise and disturbance; and
 - the effect of the proposal on the living conditions of the occupiers of the host dwelling, No 125 Park Avenue, with respect to the provision of outdoor space.

Reasons

Character and appearance

5. The appeal site consists of the rear garden area of a two storey semi-detached dwelling. The nearby properties are mostly two storey semi-detached units which face the highway. Whilst some are curtailed by the allotments to the rear, the properties sit within spacious plots with sizable rear gardens. These features contribute positively to the area's consistent, legible and spacious character.

6. The proposal would introduce a single storey detached dwelling sitting awkwardly next to the rear gardens of its adjacent two storey semi-detached neighbours, set significantly and incongruously behind the highway fronting properties. The proposed dwelling would notably intrude into the open rear garden land and introduce significant built form and areas of hard surfacing.
7. Due to the position of the allotments to the rear, the garden of the host dwelling would not be significantly smaller than the curtailed gardens of nearby residents. It would not appear out of keeping in this respect with the character of the area.
8. Nevertheless, the proposed dwelling's location would be at odds with the linear pattern of street facing dwellings in the surroundings and its single storey detached nature would be at odds with the general established neighbouring development. It would harm the legible and spacious surrounding character.
9. Whilst mostly obscured from Park Avenue and limited in height, the dwelling would be visible from the neighbouring properties, and it is unlikely that it could be entirely obscured from view by possible future landscaping.
10. The appellant points to examples of a similar new development nearby, however little detail is provided and as such, comparison with the scheme before me is not possible. Notwithstanding this, these particular developments are some distance from the appeal site and therefore do not form part of the immediate surrounding built context. It is also not demonstrated that the policy context for these applications was the same as the proposal before me.
11. I conclude that the development would harm the character and appearance of the surrounding area. Accordingly, the proposal conflicts with the requirements of policies SD.10 of the Gloucester, Cheltenham and Tewkesbury Joint Core Strategy (2017) (CS) which requires housing of an appropriate density compatible with good design.

Living conditions - neighbouring occupiers

12. The access to the proposed dwelling would run between No 125 and No 123. It would run next to the attached garage of No 123, and the existing garage of No 125 would be removed. As such, in combination with a condition securing appropriate boundary treatment, were I minded to allow the appeal, the access and parking area would result in limited visual intrusion from car headlights or pedestrians to both these properties.
13. Any noise from the development would be limited to that associated with a residential use and would not therefore be uncharacteristic in the rear garden area. Given that the scheme is for 1 dwelling, noise and disturbance would not be increased to a level that would harm the living conditions of neighbouring occupiers.
14. The proposal would therefore not harm the living conditions of the occupiers of neighbouring dwellings with respect to noise and disturbance. There is no conflict therefore with the protection of amenity goals of CS Policy SD.14.

Living conditions – host property

15. The development would result in a reduced garden size for the host property. However, sufficient space would remain to accommodate a patio area with an area

for seating upon it. It would also be able to accommodate domestic items associated with a modest family sized dwelling such as some play equipment and clothes drying area. It would not be cramped or an unpleasant area to spend time in and would be usable.

16. Acceptable living conditions to the intended future occupiers would be provided, therefore. There is no conflict with the high-quality development and protection of amenity goals of CS Policy SD.14.

Other Matters

17. Policy E6 of the Gloucester City Plan (2023) 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 additional residential unit would 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.
18. The proposal would result in an additional unit of accommodation which would contribute to the Government's broader objective of significantly boosting the supply of homes. The proposal would also result in short-term economic benefits arising from the construction process, and, once complete, an on-going benefit to the economy through spend by residents in the local economy and the support to local services, facilities and related employment. Nonetheless, given the quantum of development in this case, these benefits all have a minor weight in favour of the scheme.

Conclusion

19. The identified harm means the proposal would not accord with the development plan policies when read as a whole. The benefits and other considerations are of insufficient weight to justify granting planning permission contrary to the development plan. As such, I conclude that the appeal is dismissed.

B Phillips

INSPECTOR