



Appeal Decision

Site visit made on 21 May 2025

By G Powys Jones MSc FRTPI

an Inspector appointed by the Secretary of State

Decision date: 03 June 2025

Appeal Ref: APP/U1620/D/25/3361850

64 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 David Price against the decision of Gloucester City Council.
 - The application Ref is 24/00860/FUL.
 - The development proposed is single storey extension across the rear of the property (extending 2 metres). Demolition of an existing garage on the side of the property to be rebuilt to a double storey.
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Decision

1. The appeal is allowed, and planning permission is granted for a single storey extension across the rear of the property (extending 2 metres). Demolition of an existing garage on the side of the property to be rebuilt to a double storey at 64 Park Avenue, Longlevens, Gloucestershire, GL2 0EQ in accordance with the terms of the application, Ref 24/00860/FUL, subject to the conditions set out in the accompanying Schedule.

Preliminary matters

2. Planning permission was granted by the Council in 2021¹ for what appears to be a similar if not identical scheme to that subject of this appeal². The previous permission expired on 23 November 2024 and the application leading to this appeal was submitted about a week before it expired. The appellant, in effect, wishes to renew the 2021 permission.
3. The Council raised no objection to the proposed rear extension for the reasons cited in the Council's officer report. I have no reason to differ with the Council's assessment on this aspect of the proposals.

Main Issues

4. These are the effect of the two storey element of the proposals:
 - (a) on the character and appearance of the host property and the surrounding area, and
 - (b) on the living conditions of the neighbouring residents at 66 Park Avenue with reference to light, overshadowing and visual impact.

¹ Ref 21/00754/FUL, dated 24 November 2021

² The Council's portal for the 2021 decision shows the approved plans – they appear to be the same as those submitted for the renewal application.

Reasons

Character and appearance

5. In common with the other properties in this part of Park Avenue the appeal property is a semi-detached dwelling set in a residential area displaying distinct suburban characteristics in terms of design and layout. A two storey side extension is proposed which would effectively fill the width of the plot to the boundary shared with 62 Park Avenue. As the Council acknowledges, similar development has been permitted previously in the street. In addition to the cases cited by the Council in the officer report, two storey side extensions had been carried out close to the appeal property at Nos 52 & 54, and on the other side of the street at Nos 99, 103, 105 & 121.
6. However, the Council's concern in this case is that the next door dwelling No 62 has been similarly extended. Accordingly, were the current proposal granted permission and implemented it would give rise to what the Council describes as a terracing effect which the Council would regard as incongruous in the street scene.
7. However local circumstances would have been the same in 2021 when planning permission was granted for the same scheme³. Apart from a brief listing of the permission's existence, the officer report is silent on this aspect, and little or no regard has seemingly been given to the recent planning history, which in my view is a weighty material consideration.
8. Regarding some other examples of similar development already carried out in the street, it is suggested by the Council that planning policies and guidance have changed. However, that is not wholly the case in considering the 2021 permission. The Gloucester, Cheltenham and Tewkesbury Joint Core Strategy (JCS) was in place then as was the Council's Supplementary Planning Document relating to Home Extensions (SPD). It is true that the Gloucester Local Plan (LP) has since been adopted, but it strikes me that policy A9, on which the Council relies, is reflective of the design principles set out in policy SD4 (1)(i) of the JCS. Policy A9 makes no reference to potential 'terracing' as a concern in house extensions.
9. The proposed extension, if built, would bring the two storey elements of Nos 62 & 64 close together. However, No 62's front elevation is set back, the two storey element of the side extension would be set back from the front elevation and its ridge slightly set down from that of the host property. The extension, in common with that at No 64, would have a hipped roof. Considering all these elements in combination, the development would be rightly perceived as an extension, visually distinct and separable from the development next door. The outcome would not, in my view, be perceived as an incongruous development, but would sit acceptably in its visual context, as presumably the Council also considered in 2021.
10. I therefore conclude that the Council's concerns on this aspect are misplaced and find that no conflict arises with those provisions of JCS policy SD4 and LP policy A9 directed to achieving high quality design in development and house extensions in particular.

³ Planning permission for No 62's extension was granted in 2012 Ref 12/00946/FUL, and would thus have been in place when No 64's 2021 permission was granted.

Living conditions

11. The neighbouring property at No 62 has been extended to the side boundary with the appeal dwelling and it also has a single storey extension to the rear. The main basis for the Council's concern is that the windows in No 62's rear elevation closest to the proposed extension would fail the 45° tests and would be subject to loss of light, overshadowing and adverse visual impact.
12. I was not asked either by the Council or No 62's residents to visit No 62, and my assessment was therefore limited to what I could see from the garden next door, and from the plans approved for No 62's extension in 2012.
13. The windows of concern appear to serve a utility room on the ground floor and an en-suite bathroom upstairs. There would therefore be no harmful effect on habitable rooms. I do not consider that the windows furthest away from the proposed extension would be affected by loss of light or overshadowing as a result of the proposed extension's construction.
14. There would be some overshadowing of external areas, but this already occurs to a degree during the morning in view of the appeal property's setback. However, for most of the afternoon and evening the rear area closest to the house would not be affected and most of the garden would receive sunlight, when it shines, virtually all day.
15. The proposed extension would be seen from some windows serving habitable rooms in No 62's rear elevation and from its garden. The Council considers this would give rise to a harmful tunnelling effect affecting No 62's residents in view of the setback nature of the proposed extension. Based on what I saw I do not share that view; the relationship between the respective properties would in my view prove acceptable.
16. I therefore conclude that the proposed two storey extension would not harm the living conditions currently enjoyed by No 62's residents. Although not decisive in my considerations, I note that No 62's residents did not object when consulted on the application. Accordingly, no conflict arises with the provisions and objectives of policy SL1 of the Cheltenham Plan (CP) and LP policy A9 directed to ensuring that new development should not unacceptably harm the amenity of neighbouring occupants or adjoining land users.

Conditions

17. The Council has suggested the imposition of some conditions in the event of planning permission being granted.
18. It is necessary that the development is carried out in accordance with the approved plans, and a condition to this effect is therefore imposed in the interests of certainty.
19. A condition in respect of materials is imposed in the interests of visual amenity.

Other matters

20. All other matters raised have been considered and taken into account, including the references to the *National Planning Policy Framework* and the Council's SPD on

Home Extensions. No other matter is of such strength or significance as to outweigh those considerations that led to my conclusions.

21. Accordingly, the appeal is allowed, subject to conditions.

G Powys Jones

INSPECTOR

SCHEDULE OF 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: P-010 Rev P1; P-100 Rev P1; P-110 Rev P1; P-120 Rev P1; P-130 Rev P1; P-200 Rev P1; P-210 Rev P1; P-220 Rev P1; P-230 Rev P1
- 3) The materials to be used in the construction of the external surfaces of the development hereby permitted shall match those of the existing dwelling.