



Appeal Decision

Site visit made on 22 April 2025

by **SE Hughes BA (Hons) PGDip MA MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 09 July 2025

Appeal Ref: APP/G1630/D/25/3360876

37 Abbotswood Road, Brockworth, Gloucester, Gloucestershire GL3 4NY

- 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 Mrs Valentina Downward against the decision of Tewkesbury Borough Council.
 - The application Ref is 22/00320/FUL.
 - The development proposed is described as the 'retrospective planning approval for extant front facing dormer approved under reference number 11/00891/FUL'.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The description of development on the application form differs to that on the decision notice. The decision notice describes the development as the 'erection of a front and rear roof dormer extension. Erection of single storey side extension'. As I do not have any confirmation that the appellant agreed to change the description of development, I have used the description from the application form above.
3. The front and rear dormers were already in situ at the time of my site visit. However, amendments are being proposed to the fenestration of the rear dormer. Since the development on the ground is not the same as that shown on the plans, I have dealt with the appeal on the basis that permission is being sought for the proposed development shown on the plans.

Main Issues

4. The Council has not raised any objections to the dormer on the front elevation. Based on the evidence before me, and my observations at the site visit, I have no reason to take a different view. I therefore consider the main issue to be the effects of the rear dormer and single storey extension on:
 - the character and appearance of the host dwelling and the area; and
 - the living conditions of the occupiers of 39 Abbotswood Road, with regard to privacy and outlook.

Reasons

Character and appearance

5. The appeal property is a detached bungalow located on Abbotswood Road which features similarly styled bungalows on one side of the street and detached houses

on the other. Whilst most of the properties face the street, the appeal property is orientated at 90 degrees. This, coupled with its position on a bend, means that the rear dormer's south and west sides are directly visible from the street.

6. Whilst there is some variety in the street scene there is a clear consistency in the roof design of the properties. This includes dormer windows that are contained well within the body of the roof, a characteristic which is reflected in the appeal property's front dormer. In contrast, the rear dormer is substantially larger in scale and mass than the front dormer, encompassing the majority of the roof plane.
7. The property's eastern gable end has been completely lost, whereby the roof extends out horizontally from the ridge line. The result is a boxy, top-heavy addition which does not reflect the proportions of the existing dwelling or neighbouring properties. It is argued that the crown of the roof to an existing ground floor extension softens the arrangement, however, as it is lower in height, it does little to break up the discordant form and mass of the roof feature. Furthermore, the size and placement of the proposed escape window would introduce a further feature of disharmony with the existing fenestration.
8. Whilst the proposed extension would recreate a gable on the western end of the property and improve the appearance of the rear dormer from the street, it would not adequately mitigate the harm arising from the excessive scale of the dormer in the context of the existing property and those around it.
9. I acknowledge that the dormers are clad in tiles to match the rest of the property. However, matching materials alone do not make the development acceptable.
10. Consequently, for the reasons set out above, I conclude that the development would harm the character and appearance of both the host dwelling and the surrounding area. It would therefore conflict with Policy SD4 of the Gloucester, Cheltenham and Tewkesbury Joint Core Strategy 2011- 2031 (JCS) and Policy RES10 of the Tewkesbury Borough Local Plan 2011 – 2031 (TBLP) which seek good design.

Living conditions

11. Unlike most properties in the area which have a front entrance overlooking the street, the main entrance to the neighbouring property, No 39, is positioned at the side of the house, a short distance away from the appeal property. The development has introduced a first floor Juliette balcony which overlooks its entrance. Although mutual overlooking between properties and their entrances is commonplace in towns, the minimal separation distance, compared to the wider spacing elsewhere in the street, and the elevated position of the window gives rise to a feeling of undue surveillance and a loss of privacy for the occupiers of No 39.
12. Whilst the amendments proposed to replace the second Juliette balcony with an obscurely glazed window would address the Council's concerns regarding overlooking of the patio and garden of No 39, it would not resolve the issue of the overlooking and the feeling of surveillance and loss of privacy I have described above.
13. Whilst it is argued that the windows serve bedrooms, so would not be used as much as other habitable rooms and any views into the property's hallway would be short-lived, I do not consider that this resolves the issue of sense of overlooking

and the consequential loss of privacy. The presence of the windows themselves being the determining factor, rather than the behaviour of the property's occupants.

14. Because of the height of the dormer and the limited gap which separates it from No 39, the dormer would be overbearing, unacceptably dominating the outlook from the main entrance to No 39 and its narrow access pathway.
15. For the above reasons I therefore conclude that the proposed development would cause harm in respect of privacy and outlook on the occupier of No 39. On this basis, there is conflict with SD14 of the JCS and Policy RES10 of the TBLP which seek to protect the amenity of neighbouring occupants. It would also conflict with the Framework which seeks to provide a high standard of living conditions for existing and future users.

Other Matters

16. A certificate of lawfulness has been granted under s192 of the Town & Country Planning Act 1990 for a different set of roof alterations (ref 21/00078/CLP). It is realistic to expect that the alternative scheme would be implemented in the event of this appeal being dismissed. The rear dormer in the fallback scheme would be set in from the edges of the roof and its shape and form would be simpler and less contrived. However, it would be more harmful to the living conditions of the neighbour, by facilitating views into their patio and garden. Whilst I have taken account of this as a material consideration, it would not justify the development in the appeal scheme due its significant adverse effect on the character and appearance of the host dwelling and surrounding area.
17. I understand the wishes of the appellant to provide additional bedrooms within their existing property, to better accommodate a growing family. However, I do not consider that these personal circumstances provide sufficient justification for the harm I have identified from the proposals.

Conclusion

18. For the reasons given above the appeal should be dismissed.

SE Hughes

INSPECTOR