

**GLOUCESTER CITY COUNCIL**

**COMMITTEE** : **PLANNING**

**DATE** : **1 APRIL 2014**

**SUBJECT** : **MATTERS FOR REPORT**

**WARD** : **ALL IN GLOUCESTER**

**REPORT BY** : **DEVELOPMENT CONTROL MANAGER**

**NO. OF APPENDICES** : **NONE**

**REFERENCE NO** :

**APPEALS LODGED**

The following appeals have been lodged since the last report to Committee in October 2013, and have not yet been determined:

<b><u>Application No.</u></b>	<b><u>Location</u></b>	<b><u>Development</u></b>	<b><u>Appeal lodged</u></b>
13/01131/FUL	33 Painswick Road	Erection of two storey dwellinghouse.	04.02.14
13/00975/FUL	71 Podsmead Road	Erection of 1 no. two storey dwellinghouse	14.01.14
13/00856/FUL	11 Colwell Avenue	Erection of attached 2 storey house	16.12.13
13/00559/FUL	Peel Centre, St Ann Way	Variation of condition 1 of planning permission ref. 09/01311/FUL (to alter the range of goods that can be sold from amalgamated Unit 3a and 3b)	Initial paperwork for Appeal received – appellant requesting an Inquiry
13/01227/FUL	Coney Hill Rugby Club, Metz Way	Change of use of parking space for siting of hot food vending van.	06.03.14
13/01055/FUL	33 Oxstalls Way	Construction of one new bungalow (alternative scheme to 12/01211/FUL).	16.12.13

## **APPEAL UPDATE REPORT**

### **1.0 INTRODUCTION**

- 1.1 As Members will be aware the District Auditor's study into Probity and Planning (2001) recommended that Members should receive feedback on appeal cases.

### **2.0 SUMMARY OF ANALYSIS**

- 2.1 Between October 2013 and mid-March 2014 there was 7 appeal decisions received of which 6 were DISMISSED, and 1 was ALLOWED. In addition, 1 appeal was withdrawn (13/00146/OPDEV).

### **3.0 ANALYSIS OF DETERMINED APPEALS**

#### **3.1 Gloucester Ski and Snowboard Centre (13/00467/FUL)**

##### **3.1.1 Background**

The site relates to land to the northern part of the Skli Centre and comprises land laid to hard standing that is accessed via the main car park. Mature trees surround the site and it is elevated to the road. The land lies within the Landscape Conservation Area designated around Robinswood Hill with Matson Lane forming the boundary at this point.

This application proposed the erection of a terrace of 3 houses, with parking and turning area. The houses were proposed as four storeys including the roof accommodation, each providing 5 bedrooms and an integral garage to an overall height of 12.5 metres.

The application was refused under delegated powers on the grounds that the proposal would have a prominent and harmful impact upon the character and appearance of the Landscape Conservation Area and that the garden proposed for the middle of the three properties was unreasonably small and being north facing would provide a poor level of amenity for future residents.

##### **3.1.2 Inspector's Assessment**

The Inspector recognised the location of the site within the Landscape Conservation Area, the assessment of Robinswood Hill as being of "high sensitivity" and the difference in character and built form either side of Matson Lane.

He stated that given the elevated location of the site and the scale and height of the proposed dwellings, they would appear visually prominent in many views and this would have a harmful effect on the sylvan and generally undeveloped character and appearance of this side of Matson Lane

The Inspector also agreed with our concerns relating to the size of garden stating that as occupation by a family was likely, it would not provide a space of suitable size or quality for the occupants and would therefore result in unsatisfactory living conditions.

### 3.1.3 **Inspector's Decision: DISMISSED** 29 January 2014

## 3.2 **47-49 Worcester Street (12/00728/FUL**

### 3.2.1 **Background**

This appeal relates to external works undertaken to 47-49 Worcester street, which comprised the replacement of a modern shop front to the ground floor and timber sash windows to the upper two floors of the property with UPVC casements and Upvc doors as part of the conversion of the properties to bed sits (The separate application for the change of use was granted planning permission).

### 3.2.2 **Inspector's Assessment**

The inspector considered that the Worcester Street Conservation Area is an important example of Regency town planning. The elements forming its special character include uniform terraces, timber-framed shop fronts at pavement level, six panel timber doors and timber window frames with sliding sashes at first and second floor level.

The replacement of the shop front, with smaller domestic scale, non-traditional uPVC windows and doors, as well as the installation of new uPVC windows at first and second floor level, are incongruous and uncharacteristic of the Conservation Area as a whole. The windows in particular are inappropriate, with outward openings as opposed to the traditional sliding sash units they replaced and a heavy looking crucifix design which provides horizontal rather than vertical proportions. The design and smooth finish of the half-glazed uPVC doors is also inappropriate and compounds the harmful impact of the alterations to the fenestration.

Although there are several properties within this part of the Conservation Area which have windows and doors and are constructed of uPVC, the majority do. Moreover, there is no evidence to indicate that where uPVC has been used it has

been with explicit consent, and the Council advises that most were installed before the Conservation Area was designated.

The inspector concluded that the development would fail to preserve or enhance the character or appearance of the Conservation Area

### 3.2.3 **Inspector's Decision: DISMISSED** 5 February 2014

## 3.3 **81 Cheltenham Rd (13/00666/FUL)**

### 3.3.1 **Background**

This appeal related to the proposed erection of a two storey rear extension on this detached dwellinghouse. There is an existing 6 metre deep two storey projecting gable towards the eastern side of the rear elevation, which is set back 4.15 metres from the western site boundary at the closest point, resulting in the building having a staggered rear elevation.

The application proposed the erection of a 6 metre deep two storey projecting gable towards the western side of the rear elevation, to sit flush with the rear elevation of this existing two storey rear extension. The proposed extension would measure 3.7 metres in width to adjoin the existing two storey projecting rear element, and would be set back 0.45 metres from the western side boundary at the closest point, adjacent to no. 79 Cheltenham Road. Properties on this side of Cheltenham Road are staggered and, as such, the rear elevation of the existing dwelling at no. 81 Cheltenham Road (towards the western side) projects 3 metres beyond the rear elevation of the adjacent dwellinghouse to the west, no. 79 Cheltenham Road. The rear elevation of the proposed extension would consequently project 9 metres beyond the rear elevation of no. 79 Cheltenham Road.

The Local Highway Authority judged that the proposed two storey rear extension, by virtue of its depth, height and siting close to the boundary with 79 Cheltenham Road, would have an overbearing and overshadowing effect that would consequently adversely affect the amenity of adjoining occupiers at 79 Cheltenham Road. It was therefore concluded that the proposal was contrary to policies BE.20 and BE.21 of the Gloucester City Council Local Plan (2002) and the Interim Adoption Supplementary Planning Document 'Extending Your Home' (August 2008).

### 3.3.2 **Inspector's Assessment**

The Inspector judged that, by virtue of the depth, height and siting of the extension, and the staggered relationship between the host and no. 79, the proposal would have a significantly overbearing impact on the adjoining occupiers, with particular regard to the outlook from their patio doors and from the adjoining garden area, both of which would have a sense of being hemmed-in and dominated by development.

The 'overbearing evaluation' plan was observed in the appeal process, and confirmed that the proposal would significantly breach a 45 degree splay when drawn horizontally from the patio doors of no. 79. The Inspector noted that, in this regard, the proposal breaches the guidelines in the Council's Interim Adoption Supplementary Planning Document 'Home Extension Guide' 2008 ('the SPD'). The Inspector therefore concluded that the scheme would have a significant adverse impact on the living conditions of the occupiers of no.79 as a result of overbearance and domination, and that, consequently, the proposal conflicted with policies BE.20 and BE.21 of the Gloucester (Second Stage Deposit) Local Plan (2002) and with policy in the National Planning Policy Framework.

3.3.3 **Inspector's Decision: DISMISSED** 18 November 2013

3.4 **33 Oxstalls Way (12/01211/FUL)**

3.4.1 **Background**

33 Oxstalls Easy comprises a semi-detached 2 storey dwelling house sited on the junction with Flower Way, which is lined by bungalows. The application sought planning permission for a detached 1 1/2 storey chalet bungalow to the rear part of the garden facing Flower Way.

3.4.2 **Inspector's Assessment**

The bungalow would be separated only by the width of the garage of No 27 and a gap of approximately 1 metre to the boundary. This would be at odds with the typical visual characteristics of the street and I consider would result in a cramped appearance. I also consider that the reliance on a parking space immediately in front of the proposed bay window, would also serve to highlight the cramped and restricted form of development.

The sense of spaciousness on entering Flower Way from Oxstalls Way would be eroded by the construction of a structure of the height and scale as that proposed, and by the significant reduction in the length of the back garden of No 33.

There would also be an imbalance in the visual appearance of the street with respect to the remaining long garden of No 31 on the other side. The proposed dwelling would be an incongruous addition to the street which would appear out of keeping with the character and appearance of Flower Way.

As the proposed dwelling would be very close to the boundary with the rear garden of 35 Oxstalls Way & the majority of the garden area would be very close to the rear elevation of No 33 which would only be approximately 8 metres from the boundary with the new property and would be a potential source of significant overlooking of the garden space of the new dwelling.

3.4.3 **Inspector's Decision: DISMISSED** 3 October 2013

3.5 **33 Oxstalls Way (13/01055/FUL**

3.5.1 **Background**

This is a resubmission following dismissal of above appeal. The application sought planning permission for a detached bungalow to closer to the rear elevation of no.33 Oxstalls Way and facing Flower Way.

3.5.2 **Inspector's Assessment**

The appeal proposal would introduce a significant bulk of built form into No 33's rear garden and would unbalance the corner entrance into Flower Way and harm the spaciousness which is characteristic of the area. Furthermore, it would create an uncomfortably close variance in scale between No 33 and the proposed dwelling and the proposal would harm the character of the area.

The proposed dwelling would not be of sufficient height to significantly alter the outlook from the first floor habitable rooms of Nos 33 and 35. However, it would have a substantial footprint relative to its plot and would be significantly closer to the boundaries of Nos 33 and 35 and would dominate the outlook from the downstairs rear habitable rooms and gardens of these properties. For the occupants of No 33 in particular, due to the short garden that would remain, it would create an overbearing sense of enclosure and would adversely affect the living conditions of the occupants of 33 and 35 Oxstalls Way, with particular regard to outlook.

While the proposal would provide an additional dwelling, this would not outweigh the harm it would cause.

3.5.3 **Inspector's Decision: DISMISSED** 11 March 2014

3.6 **51 Larkhay Rd (13/00395/FUL**

3.6.1 **Background**

The application property comprises a semi-detached dwelling. The application sought permission for a 2 storey side extension which would have been flush with the side elevation of the house and would feature a 2 storey front projection and single storey porch.

3.6.2 **Inspector's Assessment**

The application property comprises a semi-detached dwelling. The application sought permission for a 2 storey side extension which would have been flush with

the side elevation of the house and would feature a 2 storey front projection and single storey porch.

The proposed development would extend forward of the building line that is characteristic of the houses on this side of Larkhay Road. It would also unbalance the pair of semis; no other pair of semis in Larkhay Road has been similarly unbalanced.

The Inspector concluded that: *“ By virtue of its size, massing, height and lack of subservience, I am satisfied that the appeal proposal would be unduly visible in the regular and ordered street scene and conclude that it would have a harmful effect on the character and appearance of this pair of semi detached dwellings.”*

3.6.3 **Inspector’s Decision: DISMISSED** 9 October 2013

3.7 **7-8 Hampton Court (13/00109/FUL)**

3.7.1 **Background**

This appeal related to the developers of this residential development of 15 units having constructed a 1.8m high fence along Posy Lane. The consented scheme included a low level fence for the two end units to allow an ‘active’ frontage to the lane and grant some natural surveillance. This was a specific design solution given the desire to face the units both ways – to the open space on the east side and the lane on the west.

3.7.2 **Inspector’s Assessment**

The Inspector observed a reasonable level of pedestrian activity in Posy lane, that it is served by streetlights, that the other units of the development have gates onto the lane, and that other existing units could have views of the lane. The ‘hit and miss’ fencing design was also seen to contribute to natural surveillance. The adjacent tennis courts provided a sense of openness and sporadic surveillance.

The fence design was considered acceptable and it was concluded that it would not compromise safety and security.

3.7.3 **Inspector’s Decision: ALLOWED** 10 October 2013

3.8 **17 Vauxhall Rd (13/00341/FUL)**

3.8.1 **Background**

This appeal related to the proposed erection of a first floor rear extension. As with all dwellings on this side of Vauxhall Road, the existing building at no. 17 has a staggered rear elevation with a two storey projecting element towards the north-eastern side of the rear elevation and then a flat-roofed single storey extension to the rear of this. The application proposed the erection of a 2.35

metre deep first floor extension above this existing single storey extension, which would sit immediately against the north-eastern side boundary adjacent to no. 15 Vauxhall Road and would be set back 1.8 metres from the south-western side boundary adjacent to no. 19 Vauxhall Road.

It was further proposed to replace an existing single storey extension towards the south-western side of the rear elevation.

The Local Highway Authority judged that, by virtue of the resultant height and depth of the first floor rear projection and its siting up to the boundary, this would be a dominant feature that would be overbearing and intrusive to the amenity of adjoining occupiers at no. 15 Vauxhall Road, would result in loss of light to and exacerbate the tunnelling effect to the ground floor south-east facing window on the principal dwelling at this adjacent site and would also have an overshadowing effect upon this neighbour. It was further considered that the proposal would be overbearing to and overshadow the ground floor window in the south-western side elevation of the projecting rear element of No. 15 Vauxhall Road. The proposed extension would therefore be detrimental to the amenity of the adjoining property and as such it was concluded that the proposal would conflict with Policies BE.20 and BE.21 of the City of Gloucester Second Deposit Local Plan (2002).

### 3.8.2 **Inspector's Assessment**

The Inspector judged that the increased depth and height of the existing two storey rear extension, by means of the proposed first floor rear extension, would increase the tunnelling effect for the occupiers of No. 15, and did not consider that it would be appropriate to exacerbate this. In particular, it was judged that the proposed first floor extension would appear as over dominant and overbearing when viewed from the ground floor windows of No. 15, to the detriment of its occupiers. It was concluded that this would not accord with Policies BE.20 and BE.21 in respect of the requirement that extensions should have no significant adverse effect on the amenity of nearby properties.

### 3.8.3 **Inspector's Decision: DISMISSED** 15 November 2013