

GLOUCESTER CITY COUNCIL

COMMITTEE : **PLANNING**

DATE : **4th NOVEMBER 2014**

ADDRESS/LOCATION : **84 FALKNER STREET, GLOUCESTER, GL1 4SJ**

APPLICATION NO. & WARD : **14/01161/FUL
BARTON AND TREDWORTH**

EXPIRY DATE : **28th NOVEMBER 2014**

APPLICANT : **MR SAJID BALA**

PROPOSAL : **ERECTION OF TWO BEDROOMED CHALET BUNGLOW ON LAND TO THE REAR OF 84, 86 AND 88 FALKNER STREET**

REPORT BY : **FIONA RISTIC**

**NO. OF APPENDICES/
OBJECTIONS** : **SITE LOCATION PLAN**

This application has been called to planning committee by Councillor Sajid Patel on the grounds that the development would not be out of line with the characteristics of the area and the street, highly unlikely to increase any flooding in the area, the land has no historical significance, the proposed development is highly unlikely to result in any increase in crime and/or anti-social problems. There are sufficient on road parking spaces available in close proximity, development will enhance the street area and be more aesthetically pleasing and the Councillor welcomes any new housing development in the area where demand seems to significantly outstrip supply.

1.0 SITE DESCRIPTION AND PROPOSAL

- 1.1 The application site is located on the corner of Falkner Street and Grove Street. The property is a two storey end of terraced house with a 2 storey side extension and single storey rear extension. The applicant has purchased some additional rear garden area from a neighbouring property. This application is to erect a two bedroomed chalet bungalow in the finger of land at the rear of 86 and 88 Falkner Street.
- 1.2 The property would measure 10.9m deep, 3.6m wide and vary in height from 2.7m at the eaves up to 6.1m at the ridgeline. The new property would be built from white painted sand cement rendered walls and slate tiles. There would be no off street parking proposed for the new dwelling but a 2m strip would be provided at the front of the property to store waste bins and cycle store. The applicant proposes a small area of amenity space at the rear of the

property. It must be noted that at present most of this area is actually taken up with a storage shed for number 84 that is proposed to be removed on the plans.

- 1.3 This application follows a previous refusal at the site for a two storey detached dwelling which was refused in May 2014 on the grounds of being incongruous and overly prominent in the street scene, having poor amenity space and overbearing to the rear gardens of the neighbouring properties. This revised plan attempts to overcome the previous reasons for refusal.

2.0 RELEVANT PLANNING HISTORY

- 2.1 14/00227/FUL- Erection of detached, two storey, two bedroomed building to the rear of 84-88 Falkner Street – refused – 02/05/14

10/00612/FUL - Two storey side extension, removal of existing garage and provision of 2 off-road parking spaces – granted – 03/08/10

19581(P/389/75):- FIRST FLOOR EXTENSION – not determined

3.0 PLANNING POLICIES

- 3.1 The statutory development plan for Gloucester remains the 1983 City of Gloucester Local Plan. Regard is also had to the policies contained within the 2002 Revised Deposit Draft Local Plan which was subject to two comprehensive periods of public consultation and adopted by the Council for development control purposes. The National Planning Policy Framework is also a material consideration and in particular paragraphs 17, 53, 58 and 64 apply in this case.

- 3.2 For the purposes of making decisions, the National Planning Policy Framework sets out that, policies in a Local Plan should not be considered out of date where they were adopted prior to the publication of the National Planning Policy Framework. In these circumstances due weight should be given to relevant policies in existing plans according to their degree of consistency with the National Planning Policy Framework.

- 3.3 The policies within the 1983 and the 2002 Local Plan remain therefore a material consideration where they are consistent with the National Planning Policy Framework.

- 3.4 From the Second Stage Deposit Plan (2002) the following policies are relevant:

BE.1 – Scale, Massing and Height
BE.7 – Architectural Design
BE.21 – Safeguarding of amenity
TR.31 – Highway Safety
TR.9 – Parking standards

TR.12 – Cycle Parking standards

H.13 – The sub-division of plots for infill development

- 3.5 In terms of the emerging local plan, the Council has prepared a Joint Core Strategy with Cheltenham and Tewkesbury Councils and published its Pre-Submission Document which will be submitted to the Planning Inspectorate in autumn 2014. Policies in the Pre-Submission Joint Core Strategy have been prepared in the context of the NPPF and are a material consideration. The weight to be attached to them is limited by the fact that the Plan has not yet been the subject of independent scrutiny and do not have ‘development plan status’. In addition to the Joint Core Strategy, the Council is preparing its local City Plan which is taking forward the policy framework contained within the City Council’s Local Development Framework Documents which reached Preferred Options stage in 2006.
- 3.6 On adoption, the Joint Core Strategy and City Plan will provide a revised planning policy framework for the Council. In the interim period, weight can be attached to relevant policies in the emerging plans according to
- The stage of preparation of the emerging plan
 - The extent to which there are unresolved objections to relevant policies; and
 - The degree of consistency of the relevant policies in the emerging plan to the policies in the National Planning Policy Framework

4.0 CONSULTATIONS

4.1 Highways – no comment

4.2 Env Health – no objection subject to conditions on: restriction of hours during construction, restriction of hours of delivery during construction and no burning of materials during the construction phase.

4.3 Severn Trent Water - no response

5.0 PUBLICITY AND REPRESENTATIONS

5.1 The occupiers of nineteen neighbouring properties were notified of the application by letter. The application was also advertised by site notice.

5.2 At the time of writing no representations have been received.

5.3 The full content of all correspondence on this application can be inspected at the Herbert Warehouse reception, The Docks, Gloucester, prior to the Committee meeting.

6.0 OFFICER OPINION

6.1 The main planning considerations in this instance are:

- The impact on the street scene
- Amenity for new occupiers
- The impact on the residential amenity of neighbouring properties
- Highway impact

6.2 *Impact on the street scene*

The area is characterised by two storey terraced and semi-detached properties. The proposed detached dwelling given its size and tall and narrow proportions would appear unduly prominent and out of keeping in the character of the street scene. This correlates to the NPPF which states “Local planning authorities should consider the case for setting out policies to resist inappropriate development of residential gardens, for example where development would cause harm to the local area”. (Paragraph 53 of the NPPF). There are semi-detached properties on Grove Street facing the development but these are original and well separated from neighbouring properties.

6.3 *Amenity for new occupiers*

Considering the amenity for the new occupiers, the proposed internal standards for the new occupiers would be acceptable. However, the applicant has proposed a small area of amenity space of 19.36m² at the rear of the property. A site visit showed that most of the area described on the plans as amenity space for the new dwelling has a large shed on it which is used by number 84. The applicant is proposing to demolish this shed. It is considered that this poor layout would be contrary to paragraph 17 of the NPPF which states that proposals should “*always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings*”.

6.4 *Potential impact on neighbouring properties*

The proposed dwelling would only have high level windows on the sides, velux windows on the front at first floor level and a dormer window on the rear at first floor level. This dormer would only overlook the sheds at the rear of 82 Falkner Street. It is therefore considered that there would be no overlooking of the neighbouring properties. However, given the size and scale of the proposed building, the southern orientation compared to numbers 86 and 88 and the proposed location immediately adjoining the boundary, it is considered that the dwelling would be overbearing and cause overshadowing to the rear garden of 86 Falkner Street. With the previous scheme the proposal also harmed the amenity of the rear of 88 Falkner Street. This re-design has lowered the eaves and reduced the impact on 88 so that it would no longer form part of the reason for refusal. The building would still be 6.1m in height at the rear of 86.

6.5 *Highways*

There is no off street parking at the site. The applicant submitted a parking survey with the previous application and given that only 1 dwelling is proposed, it is considered that the parking requirement generated could be accommodated in the surrounding streets.

6.6 In compiling this recommendation we have given full consideration to all aspects of the Human Rights Act 1998 in relation to the applicant and/or the occupiers of any affected properties. In particular, regard has been had to Article 8 of the ECHR (Right to respect for private and family life, home and correspondence) and the requirement to ensure that any interference with the right in this Article is both in accordance with the law and proportionate. A balance needs to be drawn between the right to develop land in accordance with planning permission and the rights under Article 8 of adjacent occupiers. On assessing the issues raised by the application no particular matters, other than those referred to in this report, warrant any different action to that recommended.

7.0 CONCLUSION

7.1 This application is a re-design of a previous refusal. However the revised scheme would still result in a dwelling that would appear unduly prominent and out of keeping with the character of the street scene. Furthermore given the size, scale and orientation it would be overbearing and cause overshadowing to the rear garden of 86 Falkner Street and the poor layout of the amenity space would be contrary to paragraph 17 of the NPPF.

7.2 It is therefore recommended that this application is refused.

8.0 RECOMMENDATIONS OF THE DEVELOPMENT CONTROL MANAGER

8.1 That planning permission is refused for the following reasons:

1. Given the proposed size, scale, design and location of the new dwelling it is considered that it would appear incongruous and overly prominent in the street scene, therefore harming the character of the area and be contrary to policies BE.1 and H,13 of the Gloucester City Council Second Deposit Local Plan(2002) and paragraph 53 of the NPPF.

2. The proposed building due to its design, scale, location and orientation would result in causing overshadowing and being overbearing to the rear garden of number 86 Falkner Street. The proposal is therefore contrary to policies BE.1 and H,13 of the Gloucester City Council Second Deposit Local Plan(2002)

3. The proposal fails to provide adequate and private amenity space for the new dwelling and would therefore be contrary to paragraph 17 of the NPPF.

Decision:

Notes:

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