

GLOUCESTER CITY COUNCIL - DEVELOPMENT CONTROL

Committee: | Planning
Date: | 04.06.2024
Address/Location: | 20 Furlong Road Gloucester GL1 4UT
Application No: | 24/00223/FUL
Ward: | Barton & Tredworth
Expiry Date: | 07.06.2024
Applicant: | Mr S Iqbal
Proposal: | Single storey rear extension
Report by: | Craig Stock
Appendices: | Site Location Plan (below)

Site Location Plan



1.0 SITE DESCRIPTION AND PROPOSAL

- 1.1 The application site comprises 20 Furlong Road, a two-storey semi-detached property, and its associated residential curtilage to the front, side and rear.
- 1.2 At present, the dwelling consists of a main two-storey section that fronts the highway , a two-storey rear projection that is subservient to this main section and that straddles the boundary between numbers 20 and 22 Furlong Road, as well as a small single-storey extension that adjoins to its rear. There is also a small, single-storey lean-to extension adjoining the rear elevation of the main section which has a set of French doors providing access to the rear garden. The dwelling effectively forms an L-shape when viewed from above.
- 1.3 This application proposes the erection of a single-storey extension that would infill this remaining segment between the main and rear sections of the dwelling at the side. The application would also see the two existing single-storey extensions demolished.
- 1.4 The extension would measure approximately 7.6m in depth, 2.0m in width, 2.15m at eaves height and a maximum height of 3.6m at the point where the lean-to roof would adjoin the side elevation of the two-storey projection.
- 1.5 The application proposes to use matching materials throughout: the walls and roof will see the use of red facing bricks and plain tiling. Three rooflights are proposed on the side-facing roof-slope while a set of glass doors are proposed on the rear elevation.

2.0 RELEVANT PLANNING HISTORY

- 2.1 An application for a Lawful Development Certificate at this site was submitted simultaneously with this householder application. This LDC application sought confirmation that a series of proposed works to erect an L-shaped dormer window, install a pair of front-facing rooflights and to altogether convert the loft into living accommodation was lawful. This application was approved in April 2024.

Application Number	Proposal	Decision	Decision Date
24/00224/LAW	Loft conversion with rear dormers and velux windows to the front elevation.	Lawful development certificate granted.	19.04.2024

3.0 RELEVANT PLANNING HISTORY

- 3.1 The following planning guidance and policies are relevant to the consideration of this application:

3.2 National guidance

National Planning Policy Framework (NPPF) and Planning Practice Guidance

3.3 Development Plan

Gloucester, Cheltenham and Tewkesbury Joint Core Strategy (Adopted 11 December 2017)

Relevant policies include:

SD3 – Sustainable design and construction

SD4 – Design requirements
SD14 – Health and environmental quality

3.4 **City of Gloucester Local Plan (Adopted 14 September 1983)**

The statutory Development Plan for Gloucester includes the partially saved 1983 City of Gloucester Local Plan. Paragraph 219 of the NPPF states that '*... due weight should be given to relevant policies in existing plans according to their degree of consistency with this framework (the closer the policies in the plan to the policies in the Framework, the greater the weight that may be given.*' The majority of the policies in the 1983 Local Plan are out-of-date and superseded by later planning policy including the NPPF and the Joint Core Strategy. None of the saved policies are relevant to the consideration of this application.

3.5 **Gloucester City Plan**

The Gloucester City Plan ("City Plan") delivers the JCS at the local level and provides policies addressing local issues and opportunities in the City. It was adopted on 26th January 2023 and forms the development plan alongside the JCS. The following policies are considered relevant:

A9 – Extensions to Existing Dwellings

C1 – Active design and accessibility

F1 – Materials and finishes

3.6 **Other Planning Policy Documents**

Gloucester Local Plan, Second Stage Deposit 2002

Regard is also had to the 2002 Revised Deposit Draft Local Plan. This has been subjected to two comprehensive periods of public and stakeholder consultation and adopted by the Council for development control purposes. While there are number of policies in the 2002 Plan which are considered to accord with the NPPF and have not been superseded by the JCS, none of these are considered to be relevant to the current application.

3.7 **Supplementary Planning Guidance/Documents**

Home Extensions Guide – Published 2008.

3.8 All policies can be viewed at the relevant website address:

National policies:

<https://www.gov.uk/government/publications/national-planning-policy-framework--2>

Gloucester City policies:

<http://www.gloucester.gov.uk/resident/planning-and-building-control/planning-policy/Pages/current-planning-policy.aspx>

4.0 **CONSULTATIONS**

4.5 **Contaminated Land Adviser (Worcestershire Regulatory Services) – No objection (16.04.2024)**

WRS were consulted erroneously on this application. They raised no objection and offered no additional comments.

5.0 **PUBLICITY AND REPRESENTATIONS**

- 5.1 Neighbour notification letters were sent to 9 nearby properties on 04.04.2024.
- 5.2 Two letters of objection were received, both from the same property. These letters raised the following issues (*NB – the following is the Case Officer's own summary of the comments received. Some of the comments related solely to application 24/00224/LAW – these have been omitted from this summary*):
- The proposed extension would be in close proximity to the boundary between Number 18 and 20. This would cause issues with privacy – anyone taller than 6ft will be granted sightlines into the garden, kitchen and dining room of Number 18.
 - The proposed extension would lead to loss of light to the rear- and side-facing windows at Number 18, as well as a reduction in outlook.
 - This proximity to the boundary fence will leave a narrow alleyway – this creates risks of blockages and limited access in an emergency. It also raises questions around the practicalities of how the construction work will be undertaken.
 - A construction management plan should be submitted to provide further details on timings, noise, dust, traffic and heavy machinery.
 - The submitted plans fails to demonstrate provisions for waste, sewage and drainage. The location of pipes and drains would have to be moved from their current position.
 - The proposed extension is without precedent on the street and would impact the street's character considerably.

One of the neighbour objections included a series of photos. These are available to view on the public access (link in section 5.4).

- 5.3 The application was referred to Planning Committee by Cllr Patel (Member for Barton & Tredworth) on 22.04.2024. His reasoning was as follows (*NB – the following is the reasoning provided by Member verbatim, rather than the Case Officer's own summary*).

The proposed planning applications have caused the elderly resident an incredible amount of distress, fear and anxiety. The main concerns stem around the potential loss of light and loss of privacy, as well as the potential adverse impact caused by the building works – eg. Dust/noise/vibrations etc.

- 5.4 The full content of all correspondence on this application can be viewed on:
<http://www.gloucester.gov.uk/resident/planning-and-building-control/Pages/public-access.aspx>

6.0 OFFICER OPINION

6.1 ***Legislative background***

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires the Local Planning Authority to determine planning applications in accordance with the Development Plan, unless material considerations indicate otherwise.

- 6.2 Section 70(2) of the Town and Country Planning Act 1990 (as amended) states that in dealing with a planning application, the Local Planning Authority should have regard to the following:

- a) the provisions of the development plan, so far as material to the application;
- b) any local finance considerations, so far as material to the application; and
- c) any other material considerations.

6.3 The development plan consists of the Gloucester, Cheltenham and Tewkesbury Joint Core Strategy (JCS), the Gloucester City Plan (GCP) and the partially saved 1983 City of Gloucester Local Plan. However, as outlined earlier, the 1983 Local Plan is considered to be out-of-date.

6.4 It is considered that the main issues with regards to this application are as follows:

- Effect on the visual amenity of the area
- Effect on the living conditions of neighbouring properties

6.5 **Effect on the appearance of the area**

Policy SD4 of the Joint Core Strategy which sets out requirements for high quality design, Policy A.9 of the City Plan which requires that extensions/outbuildings be in keeping with the character/scale of the existing dwelling and its wider setting and the Council's Home Extensions SPD which identifies that extensions should be of a style, form and design that is appropriate and respectful to the character of the locality and the appearance of the existing house.

6.6 One neighbour comment asserted that the proposed extension was without precedent on the street and would impact detrimentally upon the character of Furlong Road. Precedent is not, however, a material planning consideration and every application should be considered on its own merits.

6.7 The proposed extension would not be visible from the street-scene. It proposes matching materials, is logically designed and fits comfortably within the plot. It would not represent an undue increase to the size of the dwelling over and above, neither in terms of mass nor footprint – both would remain commensurate with the prevailing pattern of development along Furlong Road.

6.8 The proposal, by reason of its design, siting, scale, massing, layout and materials, is therefore considered to be acceptable and would contribute and respond to the local context and maintains the character and appearance of the surrounding area. The proposal accords with the NPPF, policy SD4 of the Gloucester, Cheltenham and Tewkesbury Joint Core Strategy (Adopted December 2017), policy A9 of the Gloucester City Plan and the Gloucester City Council Home Extensions Guide SPD.

6.9 **Effect on the living conditions of neighbouring properties**

Paragraph 135 (f) of the NPPF sets out that planning decisions should ensure that developments create places with a high standard of amenity for existing and future users. This is reflected in Policy SD14 of the JCS which requires that new development must cause no harm to local amenity including the amenity of neighbouring occupants.

6.10 The Case Officer conducted visits to the application site on 02.05.2024 and to 18 Furlong Road on 07.05.2024.

6.11 Overlooking

Concerns were raised within the neighbour comments regarding the potential for invasive sightlines from Number 20 to Number 18. The application proposes no side-facing windows at ground floor level. A series of rooflights are proposed on the side elevation, but – by virtue of their height and angle – these would not permit any adverse sightlines into Number 18. There would be no windows above ground floor level.

6.12 Loss of Light and Outlook

Concerns were also raised within the neighbour comments regarding loss of light to the side- and rear-facing windows at Number 18, as well as to the adjacent patio area. Conversations with the objector as well as a site visit to Number 18 revealed that the patio area was very well-used by the resident. This visit and conversations also clarified which rooms these windows serve: the rear-facing French doors serve a lounge. The rearmost side-facing doors and windows serve the kitchen whilst the side-facing window located closest to the lounge serves a 'breakfast room'. Each of these rooms would constitute a principal room which would see considerable use.

6.13 It is considered that the proposal would not bring about an adverse level of harm to the amenity of Number 18, neither in terms of loss of light/outlook nor in terms of overbearing impacts upon the patio area.

6.14 With regards to loss of light and outlook, the proposed extension would fall within the 45-degree splay for the rear-facing lounge window in plan form, but not in elevation form. The eaves height of the extension would only be approximately 35cm above the boundary fence, and it would be set approximately 90cm away from the boundary, hence why the extension would fall outside the elevation-form splay.

6.15 Pages 21-26 of the Household Extensions Guide advise that in situations where one of the two 45-degree splays is breached the application *may* be considered unacceptable. In this case, the single-breach is not considered to bring about a significant reduction in natural light or outlook: the setting away of the extension, the angle of its roof pitch and its modest eaves height with respect to the fence line would mean that it would not represent a significant worsening of the current situation. There is a 90cm gap on either side of the fence line to each dwelling, and this relatively spacious layout means that any material loss to residential amenity is avoided.

6.16 The proposal is considered not to harmfully impact upon natural light and outlook provision from the side-facing windows that serve the breakfast room and kitchen at Number 18. Notably, the kitchen benefits from a rear-facing window which would ensure it retains an adequate provision of natural light. The extension would fall within the plan-form 45-degree splay for the breakfast room window, but not to any greater extent than is already the case. Again, the modest eaves height and the fact that the maximum height of the extension roof would be 2.9m from the boundary would serve to lessen its prominence and immediacy. This means that the extension would not be unduly overbearing.

6.17 Overbearing and overshadowing upon patio

With respect to the impacts upon the patio area in terms of overbearing and overshadowing, any harm is adjudged to fall clearly below the threshold of being unacceptably harmful. Again, this owes to the eaves height, roof slope and position of the extension. This patio is evidently well used and there would be some minor impacts upon it, but the spacious layout between Numbers 18 and 20 affords ample breathing room; this space would not, therefore, be enclosed. Furthermore, the property benefits from a considerable rear garden. When considered in its entirety Number 18's private amenity space is sizeable.

6.18 Other matters

The neighbour objections also raised concerns around disruption, noise, dust and inconvenience during the construction phase. Whilst these concerns are noted, they are not considered to be materially harmful as they would be expected impacts for a small scale construction site and the construction period is unlikely to be lengthy.

6.19 Given the design, scale, massing and siting of the proposed development the proposal would not cause significant harm to the amenities of any occupiers or adjacent occupiers through loss of light, overshadowing, overbearing impact, loss of privacy, noise, smell, traffic or other disturbance. The proposal accords with SD4 of the Gloucester, Cheltenham and Tewkesbury Joint Core Strategy (Adopted December 2017), policy A9 of the Gloucester City Plan and the Gloucester City Council Home Extensions Guide SPD and the NPPF.

6.17 **Conclusion**

This application has been considered in the context of the policies and guidance referred to above. The proposal is consistent with those policies and guidance in terms of design, materials, highway safety implications, impact upon the amenity of any neighbours and the local area; the proposal is acceptable and accordingly it is recommended that planning permission be granted.

In compiling the recommendation full consideration has been given 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); Article 1 of the First Protocol (Right to the use and enjoyment of property) 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 and also Article 1 of the First Protocol of adjacent occupiers. On assessing the issues raised by the application no particular matters warrant any different action to that recommended

7.0 **RECOMMENDATION OF THE HEAD OF PLACE**

7.1 That planning permission is **GRANTED** subject to the following conditions;

7.2 **Condition 1**

The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reason

Required to be imposed by Section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

Condition 2

The development hereby permitted shall be carried out in accordance with the application form, and the following approved plans:

- Block Plan at 1:500 scale (received 03.04.2024)
- Site Location Plan at 1:1250 scale (received 03.04.2024)
- 24/3053/02 Existing-Proposed (received 03.04.2024)

except where these may be modified by any other conditions attached to this permission.

Reason

To ensure that the development is carried out in accordance with the approved plans and in accordance with policies contained within Gloucester, Cheltenham and Tewkesbury Joint Core Strategy (Adopted December 2017)

Condition 3

The external facing materials to the development hereby permitted shall match in colour, form and texture to those of the existing building.

Reason

To ensure the satisfactory appearance of the development in accordance with Policy SD4 of the Gloucester, Cheltenham and Tewkesbury Joint Core Strategy (Adopted December 2017)

Note 1

Your attention is drawn to the requirements of the Building Regulations, which must be obtained as a separate consent to this planning decision. You are advised to contact the Gloucestershire Building Control Partnership on 01453 754871 for further information.

Note 2

Your attention is drawn to the Party Wall Act 1996. The Act will apply where work is to be carried out on the following:

- Work on an existing wall or structure shared with another property.
- Building a free standing wall or a wall of a building up to or astride the boundary with a neighbouring property.
- Excavating near a neighbouring building.

The legal requirements of this Act lies with the building/ site owner, they must find out whether the works subject of this planning permission falls within the terms of the Party Wall Act. There are no requirements or duty on the part of the local authority in such matters. Further information can be obtained from the DETR publication The Party Wall Act 1996 – explanatory booklet.

Note 3

In accordance with the requirements of the NPPF the Local Planning Authority has sought to determine the application in a positive and proactive manner by offering pre-application advice, publishing guidance to assist the applicant, and publishing to the council's website relevant information received during the consideration of the application thus enabling the applicant to be kept informed as to how the case was proceeding.

Person to Contact: Craig Stock (396720)