



Planning Appeal Statement

30 Kestrel Gardens
Quedgeley
Gloucester

Prepared on behalf of: Lee Evans

Project: 16074

Date: 24 January 2022

Local Planning Authority Ref: 21/01237/FUL

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1. INTRODUCTION

1.1 Evans Jones Ltd have been instructed by Mr Lee Evans (the ‘Appellant’) to submit a non-determination appeal in respect of the failure of Gloucester City Council (the ‘Council’) to determine application Ref: 21/01237/FUL for a two-storey residential side extension at 30 Kestrel Gardens, Quedgeley, Gloucester.

1.2 The application was validated by the Council on 15th November 2021 and the deadline for the determination of the application identified on the validation letter was 10th January 2022. No formal extension of time was agreed with the Council.

1.3 The submitted application, subject to this appeal, comprised of the following drawings/documents:

- Survey Drawing – Drawing No. 19/501/01
- Scheme Drawing – Drawing No. 19/501/02
- Location Plan – Drawing No. 19/501/03
- Midsummer Extension Shadow & Block Plan – Drawing No. 19/501/04
- Covering Letter – Evans Jones Ltd – Dated: 11/11/2021
- Completed Application Form – Dated: 11/11/2021
- Community Infrastructure Levy Form – Dated: 11/11/2021

1.4 As this is a non-determination appeal, the Council’s formal decision is unknown. However, the Council’s officer dealing with the application indicated that he would not support the application. As explained further in this statement, a previous application for the same development was recently refused by the Council under delegated powers (Ref: 21/00155/FUL). That application was refused for the following reason:

‘By virtue of its scale, mass and design, the proposed extension would appear as an overly large and dominant addition that fails to respect the character of the locality and the appearance and scale of the existing dwelling. Furthermore, by virtue of its design, scale and proximity to the site boundary, the proposed extension would appear

as a visually intrusive and overbearing form of development as viewed from neighbouring properties, resulting in an unacceptable level of overshadowing, loss of light, overlooking and loss of privacy, causing harm to their amenity.'

- 1.5 Unfortunately, it has not been possible to obtain a copy of the Council's decision notice and officer's delegated report for application 21/00155/FUL due to an ongoing cyber incident that has affected the Council website.
- 1.6 Given the similarities with the previous application, this appeal statement is predicated on basis of the refusal reasons set out above.

2. PLANNING HISTORY

2.1 Planning permission was granted recently for a part single storey and part two storey extension at the property (Ref: 19/00581/FUL). That permission has been implemented. A copy of the approved drawings is attached at **Appendix 1** to this statement.

2.2 A subsequent application for a two-storey extension to the side of the property was refused in 2021 (Ref: 21/01237/FUL). The application, which is the subject of this non-determination appeal, is the same as what was proposed under 21/01237/FUL.

3. PLANNING POLICY CONTEXT

- 3.1 Section 38 (6) of the Planning and Compulsory Purchase Act 2004 requires that planning decisions should be made in accordance with the Development Plan unless material considerations indicate otherwise.

The Development Plan

- 3.2 The Development Plan context for Gloucester City Council is provided by the Gloucester, Cheltenham and Tewkesbury Joint Core Strategy, adopted December 2017 (JCS). The policies within the JCS of relevance to this application are Policies SD4 (Design Requirements) and SD14 (Health and Environmental Quality).
- 3.3 Policy SD4 of the JCS sets out requirements for high quality design, which echoes advice contained within the Framework. Policy SD14 of the JCS follows and stipulates that new development must cause no harm to local amenity including the amenity of neighbouring occupants.

National Planning Policy Framework

- 3.4 The National Planning Policy Framework (the 'Framework') was revised on 20th July 2021 and is a material planning consideration in the determination of development proposals. Of relevance to this appeal is section 12 of the Framework, which deals with design matters.

Emerging Gloucester City Plan

- 3.5 The decision notice for the previously refused application states that limited to moderate weight is given to the emerging policies in the Gloucester City Plan (City Plan), with policy A9 relating to residential extensions. Emerging Policy A9 of the emerging Gloucester City Plan states that well-designed extensions of residential properties, and/or the erection of outbuildings incidental to the enjoyment of the dwelling, will be granted planning permission where they satisfy all of the following criteria:

1. The plot size of the existing property is large enough to accommodate the extension or outbuilding without resulting in a cramped or overdeveloped site.

Proposals that result in an inappropriate increase in the scale, form or footprint of the original building will not be permitted; and

2. The height, size, design and the external facing materials of the extension or outbuilding are in keeping with the scale and character of the existing dwelling and its wider setting; and
3. The living conditions of neighbouring occupiers are not unduly harmed by the proposal as a result of overlooking, overshadowing, or overbearing development.

Other Material Policy Considerations

- 3.6 The Council's Home Extensions Guide 2008 Supplementary Planning Document (SPD) is a material consideration for the determination of this appeal.

4. THE CASE FOR THE APPELLANT

4.1 The Council’s previous reason for refusal was twofold. The first aspect related to the design of the proposed extension and the second aspect related to residential amenity. This statement deals with both aspects in turn.

Design

4.2 No. 30 Kestrel Gardens is located at the end of a cul-de-sac on a modern residential estate. The surrounding area is characterised by semi-detached and terraced properties, all of which are of a consistent design and appearance. No. 30 sits at the end of a terrace of three properties, which in turn forms a perimeter block of development along with other terrace blocks (namely plots 36-40, 42-48 & 54-62 Kestrel Gardens). The perimeter block arrangement is shown in Figure 1.



Figure 1 - Aerial view of Kestrel Gardens showing perimeter block

4.3 It is noted that No. 34 Kestrel Gardens, which sits at the opposite end of this terrace block, has been extended to the side with a 2-storey extension like what is proposed here (Ref: 04/00067/FUL). A subsequent application for an attached garage was also approved (Ref: 04/01313/FUL). A street view of the terrace is shown in Figure 2.



Figure 2 – Street view of numbers 30-34 Kestrel Gardens

4.4 The two-storey extension proposed here would simply extend the terrace further. It would sit flush with the existing front and rear elevations and would follow the existing eaves and ridgeline. The extension would be faced in brick and render to match the existing terrace and would incorporate the brick quoin detail that is common to this terrace as well as the other properties in the vicinity.

4.5 Given the existing form of the terrace, along with those in the immediate vicinity, the proposed extension would not be out of scale. It would be of an acceptable height, size and design as required by emerging Policy A9 of the City Plan. It would not appear as an overly large or dominant addition as alleged by the Council. Indeed, the resulting terrace would not be materially different to blocks 12-15, 42-48, 54-62 or 77-85 Kestrel Gardens, which is illustrated below.



Figure 3 – Street view of numbers 12-15 Kestrel Gardens



Figure 4 – Street view of numbers 42-48 Kestrel Gardens



Figure 5 – Street view of numbers 77-85 Kestrel Gardens



Figure 6 – Street view of numbers 54-62 Kestrel Gardens

- 4.6 It is also highly material that planning permission has been granted recently for a part single storey and part two storey extension at the property (Ref: 19/00581/FUL). That extension has the same footprint as what is proposed here. Again, it sits flush with the front and rear elevations and would be faced in the same materials proposed here. The main difference is a step down to a single storey element to the end of the terrace. A copy of the approved drawings is attached at **Appendix 1** of this statement.
- 4.7 As can be seen from the submitted drawings, the additional built form proposed here is not significant (as indicated with the red dotted line). This proposal does not increase the scale and mass to any large degree.

Amenity

- 4.8 In terms of amenity considerations, this can be broken down into three main areas: overlooking, overshadowing, and overbearing.
- 4.9 With regards to overlooking, the Council's previous concerns were exaggerated. Given the dense nature of this housing estate, all the dwellings that form part of this perimeter block overlook each other in relatively close proximity. Indeed, that relationship is commonplace and can be seen across the country. It can be expected on modern housing development such as this. The notion that the neighbouring properties enjoy a high degree of privacy is misconceived. They do not.
- 4.10 Whilst the proposed extension would introduce additional windows to the rear elevation (one of which would serve a non-habitable room), there would be no additional overlooking to the properties directly to the rear, given the distances involved. Moreover, whilst the windows would be marginally closer to the rear boundaries of the houses to the northeast, any views to the rear of these properties would be oblique. There would be views over their rear gardens, but those views would be incidental and no different to the views from other neighbouring property. Simply put, the neighbouring properties do not enjoy the high level of privacy that is suggested.
- 4.11 Regarding the issue of overshadowing, again these concerns have been exaggerated. The submitted shadow plan demonstrates the extent of shadowing that would result

from the proposed development. In the midsummer, it shows that there would be some partial shading to the end of the rear garden of No. 54 Kestrel Gardens in the mid-afternoon. That shading would not be at a level that would warrant a refusal on those grounds.

4.12 On a more serious note, that degree of shading would not be materially different to that of the previously permitted scheme. Whilst the approved extension steps down to a single storey, the ridge line and eaves level is only 1.5m lower than the main part of the house. In reality, the step down does not reduce the impact on neighbouring property in terms of light, and it would be unreasonable to suggest otherwise. It is also pointed out that the proposed development is entirely consistent with the Council's Home Extension Guide SPD, including the 45-degree rule.

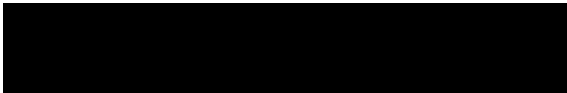
4.13 For the same reason the proposed development does not result in an unacceptable loss of light, it is not overbearing; especially when considering the extent of the approved extensions. There are sufficient distances to neighbouring property and in any event, a similar relationship between built form can be seen elsewhere on the estate given its dense character.

5. SUMMARY AND CONCLUSIONS

5.1 The Appellant is firmly of the view that the proposed development is of an acceptable, size, scale and design and would have an acceptable impact on the character and appearance of the surrounding area. Furthermore, the proposed development would not result in any unacceptable overlooking or unacceptable loss of light or outlook, especially given the extant permission for extensions to the property. The proposal therefore accords with Policies SD4 and SD14 of the JCS and emerging Policy A9 of the City Plan.

5.2 For these reasons, the Inspector is respectfully requested to allow the appeal as made.

Adam White
Principal Planner



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