

The Planning Inspectorate

PLANNING APPEAL FORM (Online Version)

WARNING: The appeal **and** essential supporting documents **must** reach the Inspectorate within the appeal period. **If your appeal and essential supporting documents are not received in time, we will not accept the appeal.**

Appeal Reference: APP/U1620/W/22/3310569

A. APPELLANT DETAILS

The name of the person(s) making the appeal must appear as an applicant on the planning application form.

Name

Mr M Rickards

Address

20 Chatcombe Road
Matson
GLOUCESTER
GL4 6AA

Preferred contact method

Email Post

B. AGENT DETAILS

Do you have an Agent acting on your behalf?

Yes No

Name

Mr Philip Staddon

Company/Group Name

PJS Development Solutions Ltd

Address

26 Lea Crescent
Longlevens
GLOUCESTER
GL2 0DU

Phone number

[REDACTED]

Email

[REDACTED]

Preferred contact method

Email Post

C. LOCAL PLANNING AUTHORITY (LPA) DETAILS

Name of the Local Planning Authority

Gloucester City Council

LPA reference number

22/00013/FUL

Date of the application

15/12/2021

Did the LPA validate and register your application?

Yes No

Did the LPA issue a decision?

Yes No

Date of LPA's decision

13/05/2022

D. APPEAL SITE ADDRESS

Is the address of the affected land the same as the appellant's address?

Yes No

Address

20 Chatcombe Road
Matson
GLOUCESTER
GL4 6AA

Is the appeal site within a Green Belt?

Yes No

Are there any health and safety issues at, or near, the site which the Inspector would need to take into account when visiting the site?

Yes No

E. DESCRIPTION OF THE DEVELOPMENT

Has the description of the development changed from that stated on the application form?

Yes No

Please enter details of the proposed development. This should normally be taken from the planning application form.

Construction of proposed 2-bedroomed house on the land at 20 Chatcombe Road

Area (in hectares) of the whole appeal site [e.g. 1234.56]

0.03 hectare(s)

Does the proposal include demolition of non-listed buildings within a conservation area?

Yes No

F. REASON FOR THE APPEAL

The reason for the appeal is that the LPA has:

1. Refused planning permission for the development.
2. Refused permission to vary or remove a condition(s).
3. Refused prior approval of permitted development rights.
4. Granted planning permission for the development subject to conditions to which you object.
5. Refused approval of the matters reserved under an outline planning permission.
6. Granted approval of the matters reserved under an outline planning permission subject to conditions to which you object.
7. Refused to approve any matter required by a condition on a previous planning permission (other than those specified above).
8. Failed to give notice of its decision within the appropriate period (usually 8 weeks) on an application for permission or approval.
9. Failed to give notice of its decision within the appropriate period because of a dispute over provision of local list documentation.

G. CHOICE OF PROCEDURE

There are three different procedures that the appeal could follow. Please select one.

1. Written Representations

(a) Could the Inspector see the relevant parts of the appeal site sufficiently to judge the proposal from public land? Yes No

(b) Is it essential for the Inspector to enter the site to check measurements or other relevant facts? Yes No

2. Hearing

3. Inquiry

H. FULL STATEMENT OF CASE

see 'Appeal Documents' section

Do you have a separate list of appendices to accompany your full statement of case? Yes No

see 'Appeal Documents' section

(a) Do you intend to submit a planning obligation (a section 106 agreement or a unilateral undertaking) with this appeal? (Please attach draft version if available) Yes No

(b) Have you made a costs application with this appeal? Yes No

I. (part one) SITE OWNERSHIP CERTIFICATES

Which certificate applies?

CERTIFICATE A

I certify that, on the day 21 days before the date of this appeal, nobody, except the appellant, was the owner of any part of the land to which the appeal relates;

CERTIFICATE B

I certify that the appellant (or the agent) has given the requisite notice to everyone else who, on the day 21 days before the date of this appeal, was the owner of any part of the land to which the appeal relates, as listed below:

CERTIFICATE C and D

If you do not know who owns all or part of the appeal site, complete either Certificate C or Certificate D and attach it below.

I. (part two) AGRICULTURAL HOLDINGS

We need to know whether the appeal site forms part of an agricultural holding.

(a) None of the land to which the appeal relates is, or is part of, an agricultural holding.

(b)(i) The appeal site is, or is part of, an agricultural holding, and the appellant is the sole agricultural tenant.

(b)(ii) The appeal site is, or is part of, an agricultural holding and the appellant (or the agent) has given the requisite notice to every person (other than the appellant) who, on the day 21 days before the date of the appeal, was a tenant of an agricultural holding on all or part of the land to which the appeal relates, as listed below.

J. SUPPORTING DOCUMENTS

- 01. A copy of the original application form sent to the LPA.
- 02. A copy of the site ownership certificate and agricultural holdings certificate submitted to the LPA at application stage (if these did not form part of the LPA's planning application form).
- 03. A copy of the LPA's decision notice (if issued). Or, in the event of the failure of the LPA to give a decision, if possible please enclose a copy of the LPA's letter in which they acknowledged the application.
- 04. A site plan (preferably on a copy of an Ordnance Survey map at not less than 10,000 scale) showing the general location of the proposed development and its boundary. This plan should show two named roads so as to assist identifying the location of the appeal site or premises. The application site should be edged or shaded in red and any other adjoining land owned or controlled by the appellant (if any) edged or shaded blue.
- 05. (a) Copies of all plans, drawings and documents sent to the LPA as part of the application. The plans and drawings should show all boundaries and coloured markings given on those sent to the LPA.
- 05. (b) A list of all plans, drawings and documents (stating drawing numbers) submitted with the application to the LPA.
- 05.(c) A list of all plans, drawings and documents upon which the LPA made their decision.
- 06. (a) Copies of any additional plans, drawings and documents sent to the LPA but which did not form part of the original application.
- 06. (b) A list of all plans, drawings and documents (stating drawing numbers) which did not form part of the original application.
- 07. A copy of the design and access statement sent to the LPA (if required).
- 08. A copy of a draft statement of common ground if you have indicated the appeal should follow the hearing or inquiry procedure.
- 09. (a) Additional plans, drawings or documents relating to the application but not previously seen by the LPA. Acceptance of these will be at the Inspector's discretion.
- 09. (b) A list of all plans and drawings (stating drawing numbers) submitted but not previously seen by the LPA.
- 10. Any relevant correspondence with the LPA. Including any supporting information submitted with your application in accordance with the list of local requirements.
- 11. If the appeal is against the LPA's refusal or failure to approve the matters reserved under an outline permission, please enclose:
 - (a) the relevant outline application;
 - (b) all plans sent at outline application stage;
 - (c) the original outline planning permission.
- 12. If the appeal is against the LPA's refusal or failure to decide an application which relates to a condition, we must have a copy of the original permission with the condition attached.
- 13. A copy of any Environmental Statement plus certificates and notices relating to publicity (if one was sent with the application, or required by the LPA).
- 14. If the appeal is against the LPA's refusal or failure to decide an application because of a dispute over local list documentation, a copy of the letter sent to the LPA which explained why the document was not necessary and asked the LPA to waive the requirement that it be provided with the application.

K. OTHER APPEALS

Have you sent other appeals for this or nearby sites to us which have not yet Yes No

been decided?

L. CHECK SIGN AND DATE

(All supporting documents must be received by us within the time limit)

I confirm that all sections have been fully completed and that the details are correct to the best of my knowledge.

I confirm that I will send a copy of this appeal form and supporting documents (including the full statement of case) to the LPA today.

Signature

Mr Philip Staddon

Date

07/11/2022 11:25:37

Name

Mr Philip Staddon

On behalf of

Mr M Rickards

The gathering and subsequent processing of the personal data supplied by you in this form, is in accordance with the terms of our registration under the Data Protection Act 2018.

The Planning Inspectorate takes its data protection responsibilities for the information you provide us with very seriously. To find out more about how we use and manage your personal data, please go to our [privacy notice](#).

M. NOW SEND

Send a copy to the LPA

Send a copy of the completed appeal form and any supporting documents (including the full statement of case) not previously sent as part of the application to the LPA. If you do not send them a copy of this form and documents, we may not accept your appeal.

To do this by email:

- open and save a copy of your appeal form
- locating your local planning authority's email address:
<https://www.gov.uk/government/publications/sending-a-copy-of-the-appeal-form-to-the-council>
- attaching the saved appeal form including any supporting documents

To send them by post, send them to the address from which the decision notice was sent (or to the address shown on any letters received from the LPA).

When we receive your appeal form, we will write to you letting you know if your appeal is valid, who is dealing with it and what happens next.

You may wish to keep a copy of the completed form for your records.

N. APPEAL DOCUMENTS

We will not be able to validate the appeal until all the necessary supporting documents are received.

Please remember that all supporting documentation needs to be received by us within the appropriate deadline for the case type. Please ensure that any correspondence you send to us is clearly marked with the appeal reference number.

You will not be sent any further reminders.

The documents listed below were uploaded with this form:

Relates to Section:	FULL STATEMENT OF CASE
Document Description:	A copy of the full statement of case.
File name:	STATEMENT OF CASE - INFILL PLOT.pdf
File name:	APPENDIX A - PERMISSION 1 BED.pdf
File name:	APPENDIX B - APPROVED 1 BED BLOCK PLAN.pdf
File name:	APPENDIX D - 55 Badminton Rd EXISTING PLANS).pdf
File name:	APPENDIX F - SCREENSHOT LPA RECORD.pdf
File name:	APPENDIX E - 55 Badminton Rd APPROVED PLANS.pdf
File name:	APPENDIX C - APPROVED 1 BED PLANS AND ELEVATIONS.pdf
Relates to Section:	FULL STATEMENT OF CASE
Document Description:	A separate list of appendices to accompany your full statement of case
File name:	List of Appendices to Statement of Case.pdf
Relates to Section:	SUPPORTING DOCUMENTS
Document Description:	01. A copy of the original application sent to the LPA.
File name:	APPEAL PROPOSAL - FORM, PLANS AND DAS.pdf
Relates to Section:	SUPPORTING DOCUMENTS
Document Description:	03. A copy of the LPA's decision notice (if issued). Or, in the event of the failure of the LPA to give a decision, if possible please enclose a copy of the LPA's letter in which they acknowledged the application.
File name:	DECISION NOTICE - REFUSAL 2 BED.pdf
Relates to Section:	SUPPORTING DOCUMENTS
Document Description:	04. A site plan (preferably on a copy of an Ordnance Survey map at not less than 10,000 scale) showing the general location of the proposed development and its boundary. This plan should show two named roads so as to assist identifying the location of the appeal site or premises. The application site should be edged or shaded in red and any other adjoining land owned or controlled by the appellant (if any) edged or shaded blue.
File name:	APPEAL PROPOSAL - FORM, PLANS AND DAS.pdf
Relates to Section:	SUPPORTING DOCUMENTS
Document Description:	05.a. Copies of all plans, drawings and documents sent to the LPA as part of the application. The plans and drawings should show all boundaries and coloured markings given on those sent to the LPA.
File name:	APPEAL PROPOSAL - FORM, PLANS AND DAS.pdf
Relates to Section:	SUPPORTING DOCUMENTS
Document Description:	05.b. A list of all plans, drawings and documents (stating drawing numbers) submitted with the application to the LPA.
File name:	List of plans, drawings and documents.pdf

Completed by MR PHILIP STADDON

Date 07/11/2022 11:25:37



TOWN AND COUNTRY PLANNING ACT 1990

PLANNING APPEAL

SITE: 20 CHATCOMBE ROAD, MATSON, GLOUCESTER, GL4 6AA

**CONSTRUCTION OF PROPOSED 2-BEDROOMED HOUSE ON LAND
AT 20 CHATCOMBE ROAD, GLOUCESTER**

STATEMENT OF CASE

on behalf of

Mr M. Rickards

November 2022

1.0 INTRODUCTION

- 1.1 This Statement of Case has been prepared by PJS Development Solutions Ltd on behalf of Mr M. Rickards (the Appellant). It supports a Section 78 planning appeal lodged in respect of a proposal to erect a dwelling on a plot adjacent to No 20 Chatcombe Road, Matson, Gloucester.
- 1.2 The Statement begins by setting out some preliminary matters arising from the Local Planning Authority's (LPA) catastrophic breakdown of its planning register and records system. It then explains the appeal site, its planning history, the appeal proposal and the LPA's decision. It then reviews relevant national and local development plan policies, and sets out the Appellant's case before reaching conclusions.

2.0 PRELIMINARY MATTERS

- 2.1 In December 2021, the LPA claims to have been the victim of a cyber-attack. Its systems were widely affected and remain compromised to this day. The LPA's planning records system was seriously disabled and there has been no access to historic planning records through this period. Only very recent (2022) current applications have been hosted on a very rudimentary ward-based system. We are advised that the historic records are being slowly restored, but are still not accessible at the time of writing (November 2022). A consequence of the LPA's IT woes is that it has been in breach of its legal responsibility to maintain, and make available for inspection, a public register of planning applications.
- 2.2 The LPA's IT situation is extraordinary, and the length of time it is taking to restore its public records is concerning. The planning community, developers and householders have been deeply affected by the LPA's IT breakdown, and many have incurred financial consequences as a result of being unable to take projects forward.
- 2.3 With regard to this appeal for a minor development proposal, the Appellant has been frustrated and prejudiced. The lodging of this appeal has been delayed significantly. Indeed, most of the 6 month appeal time window following the refusal has been lost waiting for the LPA to restore its records (which it still has not done). Moreover, the lack of access to these records has limited and prejudiced the Appellant's ability to present a full Statement of Case. For example, the Appellant's case seeks to draw on multiple other LPA decisions for similar developments (one virtually identical) and he has been unable to interrogate records that should be in the public domain. This creates issues of unfairness.

3.0 THE APPEAL SITE, PLANNING HISTORY, THE APPEAL PROPOSAL AND THE LPA'S DECISION

The appeal site and its surroundings

- 3.1 The red lined site includes No 20 Chatcombe Road and its generous side garden area which abuts Penhill Road. No 20 is a 2-storey end of a link of 3 dwelling houses that sits on a generous corner plot at the junction with Penhill Road.
- 3.2 The surrounding area is residential in land use and character. There is a range of architectural styles and types of dwellings, and differing plot configurations. However, the predominant form is of 2-storey dwellings in links of 3, 4 or more units, set behind modest front gardens. The dwelling designs are uncomplicated and faced in painted render or brickwork, with pitched tiled roofs. There are also some 3-storey blocks of flats interspersed with the 2-storey housing.
- 3.3 The site is within the built-up area and in close proximity to day-to-day services, including schools, shops and public transport. The site is in Flood Zone 1 and therefore has the lowest risk of flooding and is suitable for development. There are no Listed buildings in the vicinity and the site is not within a conservation area.

Relevant planning history – the appeal site

- 3.4 In 2021, the LPA granted planning permission to add a 2-storey 1-bedroom end of terrace dwelling to the side of No 20 (reference 21/00518/FUL). This permission remains extant. The principle of erecting a dwelling on this site is therefore firmly established. That permission included a planning condition requiring details of drainage arrangements. Appended to this Statement are copies of the planning permission 21/00518/FUL (Appendix A), the approved block plan (Appendix B) and the approved plans and elevations (Appendix C).

Relevant planning history – site nearby at 55 Badminton Road

- 3.5 Following the granting of the permission for 21/00518/FUL, the Appellant became aware that the LPA had granted permission for a larger (2 bedrooms plus study) dwelling, in near identical circumstances, on a site a short distance away at No 55 Badminton Road. The Appellant requests that the Inspector visits this nearby site to assess its close comparability.

3.6 That permission was granted on 18 June 2021 under reference 21/00494/FUL. Whilst the decision notice is not available (due to the LPA's IT issues), the Appellant has been able to secure copies of the existing and approved drawings and these are included at Appendix D and Appendix E. A screenshot of the LPA's record confirming the decision is included at Appendix F (the application documents and decision notice remain unavailable to view on its website).

The appeal proposal

3.7 The appeal proposal sought permission for a slightly larger dwelling than that already approved under 21/00518/FUL. It would be a 2 bedroom unit and very similar to that approved by the LPA at the nearby site on Badminton Road (which is a 2 bedroom plus study design).

The LPA's decision

3.8 The LPA refused the application by notice dated 13 May 2022, citing 2 reasons:

1. The proposed dwelling by virtue of its siting, width and design would extend significantly beyond the building line of properties along Penhill Road. The proposal would replace an open corner plot with a two storey dwelling with blank side elevation extending right up the boundaries of the site. The proposal would result in a cramped and unattractive development at a prominent corner plot which would be harmful to the character of the area and the street scene contrary to the NPPF and policy SD4 of the Gloucester, Cheltenham and Tewkesbury Joint Core Strategy (2017).
2. The applicant has not demonstrated to the satisfaction of the Local Planning Authority, that the development would involve acceptable drainage measures. The proposal is therefore considered unacceptable contrary to the National Planning Policy Framework and policy INF2 of the Gloucester, Cheltenham and Tewkesbury Joint Core Strategy (2017).

4.0 RELEVANT PLANNING POLICIES

The National Planning Policy Framework (the Framework)

4.1 For this appeal, the most relevant chapters of the Framework are:

Chapter 2 – achieving sustainable development

Chapter 9 – promoting sustainable transport

Chapter 11 – making effective use of land

Chapter 12 – achieving well designed places

The Development Plan – the Joint Core Strategy (JCS)

4.2 The JCS was produced through a partnership between LPA (Gloucester City Council), Cheltenham Borough Council, and Tewkesbury Borough Council. The JCS is a co-ordinated strategic development plan that sets out how the area covered by the 3 councils will develop during the period up to 2031.

4.3 **Policy SP1** establishes the need for development, including a requirement for 'at least 14,359 new homes' for Gloucester. **Policy SP2** deals with the distribution of new development and explains that it will be focused at Gloucester and Cheltenham.

Policy SD4 sets out design requirements for new development. It is a general and wide ranging policy, aimed at reflecting the Framework's requirement for good design. It sets out that proposals will be assessed against design considerations of context, character and sense of place; legibility and identity; amenity and space; public realm and landscape; safety and security; inclusiveness and adaptability; and movement and connectivity.

Policy SD14 addresses health and environmental quality. It states that developments should improve environmental quality and not create or exacerbate conditions that could impact on health. It then sets out, in a checklist form, what new development must achieve:

- I. Cause no unacceptable harm to local amenity including the amenity of neighbouring occupants*
- II. Result in no unacceptable levels of air, noise, water, light or soil pollution or odour, either alone or cumulatively, with respect to relevant national and EU limit values*

- III. *Result in no exposure to unacceptable risk from existing or potential sources of pollution. For example, by avoiding placing sensitive uses in locations where national or EU limit values are exceeded, or by incorporating acceptable mitigation measures into development*
- IV. *Incorporate, as appropriate, the investigation and remediation of any land contamination within the site*
- V. *Ensure that any risks associated with land instability are satisfactorily resolved*
- VI. *Take into account the quality and versatility of any agricultural land affected by proposals, recognising that the best agricultural land is a finite resource*
- VII. *Have regard to any areas of tranquillity that are identified in adopted or emerging district plans and neighbourhood plans*
- VIII. *Avoid any adverse impact from artificial light on intrinsically dark landscapes*

Policy INF2 addresses flood risk management requirements with respect to development proposals.

5.0 THE APPELLANT'S CASE

5.1 The Appellant considers that this minor and sensitive residential proposal does accord with the JCS and that a determination under S.38(6)¹ should be made in accordance with the development plan.

The principle and assumed common ground

5.2 The site provides a highly sustainable location for a new dwelling. It is within the built-up area of Gloucester. Its location is such that it has easy access to a very wide range of services and facilities. The JCS directs new housing development to such locations, as they are the most sustainable places to accommodate growth.

5.3 Whilst small in scale, relating to a single unit, it will nonetheless make a positive contribution to the housing requirement under policy SP1, and would do so in a sustainable location, as directed by policy SP2.

5.4 Given that the LPA has already granted permission for a dwelling on this site, it is assumed that the principle of development is accepted and supported. This high level 'in principle' support, and accordance with the statutory development plan, should weigh in the proposal's favour.

Response to LPA Reason 1 – character and appearance

5.5 The LPA's first reason for refusal alleges that the proposal would extend significantly beyond the building line of properties along Penhill Road and would result in a cramped and unattractive development at a prominent corner plot and harm the character of the area and the street scene. The Appellant does not agree with these seemingly subjective assertions for a number of reasons.

5.6 First, the LPA has already approved a dwelling on this plot that extends well beyond the line of properties in Penhill Road and would replace the 'open corner plot'. This does not make the current proposal unacceptable and it is not unusual, or unattractive, to have a side wall of a house at a road junction.

5.7 Second, the development fully respects the character and appearance of the area. It adopts a complementary design, sets the building back behind a front garden and will appear as a seamless addition to the link of properties.

¹ Section 38(6) of the Planning and Compulsory Purchase Act 2004

- 5.8 Third, the design and streetscene circumstances are virtually identical to that at No 55 Badminton Road, where the LPA has approved a similar proposal. Whilst each application must be determined on its merits, and appeal Inspectors routinely differentiate cases, it is hard to do so in this case. The circumstances, development proposals and design/streetscene implications are so similar that it is difficult to conceive of any grounds for approving one and refusing the other. Consistency in planning decision making is a fundamental principle and this is confirmed in a mature body of caselaw².
- 5.9 Fourth, the Framework's chapter 11 encourages making effective use of land. The appeal proposal meets that objective and achieves a better use of the site than the consented 1 bedroom house scheme.
- 5.10 For these reasons, the Appellant submits that the proposal would not cause harm to the character and appearance of the area and would provide a high-quality infill development which responds positively to its context, character and sense of place. The proposal would therefore accord with policy SD4 and with the design requirements set out in chapter 12 of the Framework.

Response to LPA Reason 2 – drainage details

- 5.11 The LPA's second reason for refusal alleges that the Appellant had failed to demonstrate to the satisfaction of the LPA that the development would involve acceptable drainage measures, and that it is therefore contrary to policy INF2 and the Framework.
- 5.12 The LPA's reason is wholly misplaced and unreasonable for a number of reasons.
- 5.13 First, the site is within Flood Zone 1 and well below the threshold requiring detailed flood risk/drainage evidence to inform a planning decision. Second, the Appellant's agent was not asked to provide any drainage information. Third, the LPA did not require drainage information prior to granting the earlier permission for a house on this site, which remains extant; that permission includes a drainage details condition and the Appellant is happy to accept a similar condition should this appeal be allowed. Fourth, policy INF2 does not actually require minor proposals to

²For example, in the case of *Baroness Cumberlege v Secretary of State for Communities & Local Government & Another* [2017] EWHC 2057, Mr John Howell QC stated (at paragraph 100) that: "There is a public interest in securing reasonably consistency in the exercise of administrative discretions that may mean that it is unreasonable for a decision-maker not to take into account other decisions that may bear in some respect on the decision to be made."

be supported by detailed drainage information. Fifth, drainage arrangements for minor developments on Flood Zone 1 sites can be readily secured by a suitable planning condition. Sixth, the Guidance³ states that refusing planning permission on a planning ground capable of being dealt with by a condition could be considered unreasonable and lead to an award of costs, where it is concluded that a suitable condition would enable the proposed development to go ahead.

- 5.14 The Appellant submits that there is no conflict with policy INF2 and that details of drainage arrangements can be secured by a suitable planning condition. The Appellant confirms that he is agreeable to a 'pre-commencement' planning condition.

Other planning matters

Highway access and parking

- 5.15 The Local Highway Authority raised no objection to the proposal. The access arrangements are straightforward. Traffic generation is likely to be very limited. Access to public transport services is excellent.

Living conditions of neighbours

- 5.16 The scheme has been designed to avoid any undue impacts on the living conditions of neighbouring properties. The scale and mass of the building is restrained and avoids any overbearing impacts.

Public representations

- 5.17 This was not a controversial proposal. There were no objections from neighbours.

Economic benefits

- 5.18 Whilst this is a single dwelling proposal, it will, nonetheless, generate employment in the local construction industry, which is a recognised positive economic benefit of new house building.

³ Paragraph: 049 Reference ID: 16-049-20140306 – fourth bullet point

6.0 CONCLUSIONS

- 6.1 The appeal site lies within an established built-up area of Gloucester where the statutory development plan is supportive of new housing proposals. It is a highly sustainable location. The scheme represents a sensitive and appropriate infill housing proposal that will contribute positively to the local area.
- 6.2 The LPA's reason 1 is not supported by evidence or any objective analysis, and the proposal would not cause harm to the character and appearance of the area. It would accord with policy SD4 and with the design requirements set out in chapter 12 of the Framework. The LPA's reason 2 is unreasonable, as the site is not in an area of flood risk and drainage details can be readily secured by a suitable planning condition, as they were on the earlier permission.
- 6.3 The Appellant contends that the proposal does accord with the development plan and that a Section 38(6) determination leads to substantial weight in favour of granting planning permission. There are no material considerations that outweigh that presumption. Allowing this proposal would accord with the development plan and the Framework. It would deliver a high quality new home in a sustainable location.
- 6.4 For all of these reasons, the Secretary of State's appointed Inspector is requested to grant planning permission for this sustainable development proposal.

P.J. STADDON BSc, DIP, MBA, M.R.T.P.I.

November 2022

Appendices

Appendix A – Planning Permission 1 bed house Ref 21/00518/FUL

Appendix B – approved block plan 2 bed house

Appendix C – approved plans 1 bed house

Appendix D – 55 Badminton Road existing plans

Appendix E – 55 Badminton Road proposed plan

Appendix F – screenshot confirming approval of 55 Badminton Rd

TOWN AND COUNTRY PLANNING ACT 1990

PLANNING APPEAL BY MR M RICKARDS

CONSTRUCTION OF PROPOSED 2-BEDROOMED HOUSE ON LAND AT 20
CHATCOMBE ROAD, MATSON, GLOUCESTER, GL4 6AA

List of Appendices to Statement of Case

Appendix A – Planning Permission 1 bed house Ref 21/00518/FUL

Appendix B – approved block plan 2 bed house

Appendix C – approved plans 1 bed house

Appendix D – 55 Badminton Road existing plans

Appendix E – 55 Badminton Road proposed plan

Appendix F – screenshot confirming approval of 55 Badminton Rd

List of plans and documents

Application form and certificates

Site location plan 994/PL01

Existing block plan 994/PL02

Proposed block plan 994/PL04F

Proposed plans and elevations 994/PL03D

Design and Access Statement Dec 2021 Rev C

APPLICATION NO: 21/00518/FUL
VALIDATED ON: 12th May 2021

TO

Mr Mark Bareford
c/o Josh Steele
Josh Steele Drawing Services
Corse Grange
Corse
Gloucester
GL193RQ

TOWN AND COUNTRY PLANNING ACT 1990
TOWN AND COUNTRY PLANNING (DEVELOPMENT MANAGEMENT PROCEDURE)
(ENGLAND) ORDER 2015

Location: 20 Chatcombe Road Gloucester GL4 6AA

Proposal: Proposed end of terrace one bedroom dwelling.

In exercise of its powers under the above-mentioned Act and Order the City Council as the Local Planning Authority **GRANT PERMISSION** for the development described above in accordance with the terms of the application and the plan/s submitted therewith subject to the following conditions:

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

Except where these may be modified by any other conditions attached to this permission, the development hereby permitted shall be carried out in accordance with the details of the application form, and drawing numbers:

- 994/PL03C - Proposed Floor Plans and Elevations;
- 994/PL04D - Proposed Block Plan.

Reason

To ensure that the development is carried out in accordance with the approved plans.

Condition 3

The development hereby permitted shall not commence until full details of a surface water storage and disposal system, to be installed within the curtilage of the site, has been submitted to and approved in writing by the local planning authority. As a minimum, the written details shall include the following information:

- How the sustainable drainage systems (SuDS) hierarchy has been applied to inform the chosen method over others;

- where an infiltration method (soakaway) is proposed, BRE 365 infiltration test results and soakaway sizing calculations must be submitted (for the 100yr +40% climate change allowance design rainfall event);
- details of natural SuDS attenuation measures and rainwater harvesting (impermeable surfaces, raingardens, SuDS ponds, open swales, use of waterbutts etc.);
- where connection into a watercourse or the highway surface water drainage system is proposed, details must demonstrate that onsite storage can be provided for the 100yr +40% climate change allowance design rainfall event and that outflow from the system will be managed at greenfield rates (0.2l/s);
- layout plans of the proposed system (to a recognised scale);
- management/maintenance details to ensure the drainage system operates as intended for the lifetime of the development.

The development shall be completed in accordance with the approved details prior to the first occupation/use of the dwelling and maintained in accordance with the approved details thereafter.

Reason

To ensure that future occupiers of the development are protected from surface water flooding and to prevent increased surface water flood risk to adjacent land and the public highway in the locality in accordance with the aims of policy INF2 of the Gloucester, Cheltenham and Tewkesbury Joint Core Strategy (Adopted December 2017) and the planning policy advice of the National Planning Policy Framework.

Condition 4

No building or use hereby permitted shall be occupied or use commenced until the vehicle crossovers have been installed at the carriageway edge and constructed across the footway fronting the site in general accordance with 994/PL04D subject to technical construction approval through the separate highway agreement process.

Reason

In the interests of highway safety and accessibility in compliance with NPPF paragraphs 108 and 110 and policy INF1 of the Gloucester, Cheltenham and Tewkesbury Joint Core Strategy (Adopted December 2017).

Condition 5

No building or use hereby permitted shall be occupied or use commenced until the car/vehicle parking area shown on approved plan 994/PL04D has been completed and thereafter the area shall be kept free of obstruction and available for the parking of vehicles associated with the development.

Reason

To ensure that there are adequate parking facilities to serve the development constructed to an acceptable standard in compliance with NPPF paragraphs 108 and 110 and policies SD4 and INF1 of the Gloucester, Cheltenham and Tewkesbury Joint Core Strategy (Adopted December 2017).

Condition 6

The development hereby permitted shall not be occupied until separate bin/recycling and cycle storage facilities have been made available for use in general accordance with the submitted plan 994/PL04D. The storage area shall have solid separation between the cycle and bin storage areas and those facilities shall be maintained for the duration of the development.

Reason

To ensure the provision and availability of adequate cycle parking in compliance with NPPF paragraph 108 and 110 and policies SD4 and INF1 of the Gloucester, Cheltenham and Tewkesbury Joint Core Strategy (Adopted December 2017).

Condition 7

The vehicular accesses hereby permitted shall not be brought into use until the existing roadside frontage boundaries have been set back to provide visibility splays as shown on plan 994/PL04D and thereafter maintained so as to provide clear visibility at a height of 600mm above the adjacent footway level.

Reason

To ensure motorists have clear and unrestricted views of approaching pedestrians when pulling out onto the adopted highway, in the interest of highway safety in compliance with NPPF paragraph 108 and 110 and policy INF1 of the Gloucester, Cheltenham and Tewkesbury Joint Core Strategy (Adopted December 2017).

Condition 8

The external facing materials and finishes of the dwelling hereby approved shall match the colour, form and texture of those of the original dwelling (no.20 Chatcombe Road) and shall be maintained in that state thereafter.

Reason

To ensure the development is compatible with its surroundings in accordance with policy SD4 of the Gloucester, Cheltenham and Tewkesbury Joint Core Strategy (Adopted December 2017).

Condition 9

The dwelling hereby permitted shall not be occupied or brought into use until the rear facing, first-floor bathroom window has been fitted with obscure glazing, to a minimum Level 3 obscurity.

Reason

To protect privacy to neighbouring occupiers and future occupiers of the dwelling in accordance with policies SD4 and SD14 of the Gloucester, Cheltenham and Tewkesbury Joint Core Strategy (Adopted December 2017).

Condition 10

Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (as amended) (or any order revoking and re-enacting that Order with or without modification), no garages/outbuildings/rear or side extensions/dormer windows/roof extensions shall be constructed other than those expressly authorised by this permission.

Reason

To protect neighbouring residential amenities and to ensure that sufficient private outdoor amenity space is retained for future occupiers of the development in accordance with policies SD4, SD11 and SD14 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:

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

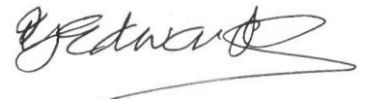
In accordance with the requirements of the NPPF the Local Planning Authority has sought to determine the application in a positive and proactive manner by offering pre-application advice, publishing guidance to assist the applicant, and publishing to the council's website relevant

information received during the consideration of the application thus enabling the applicant to be kept informed as to how the case was proceeding.

Note 4

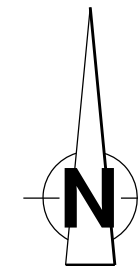
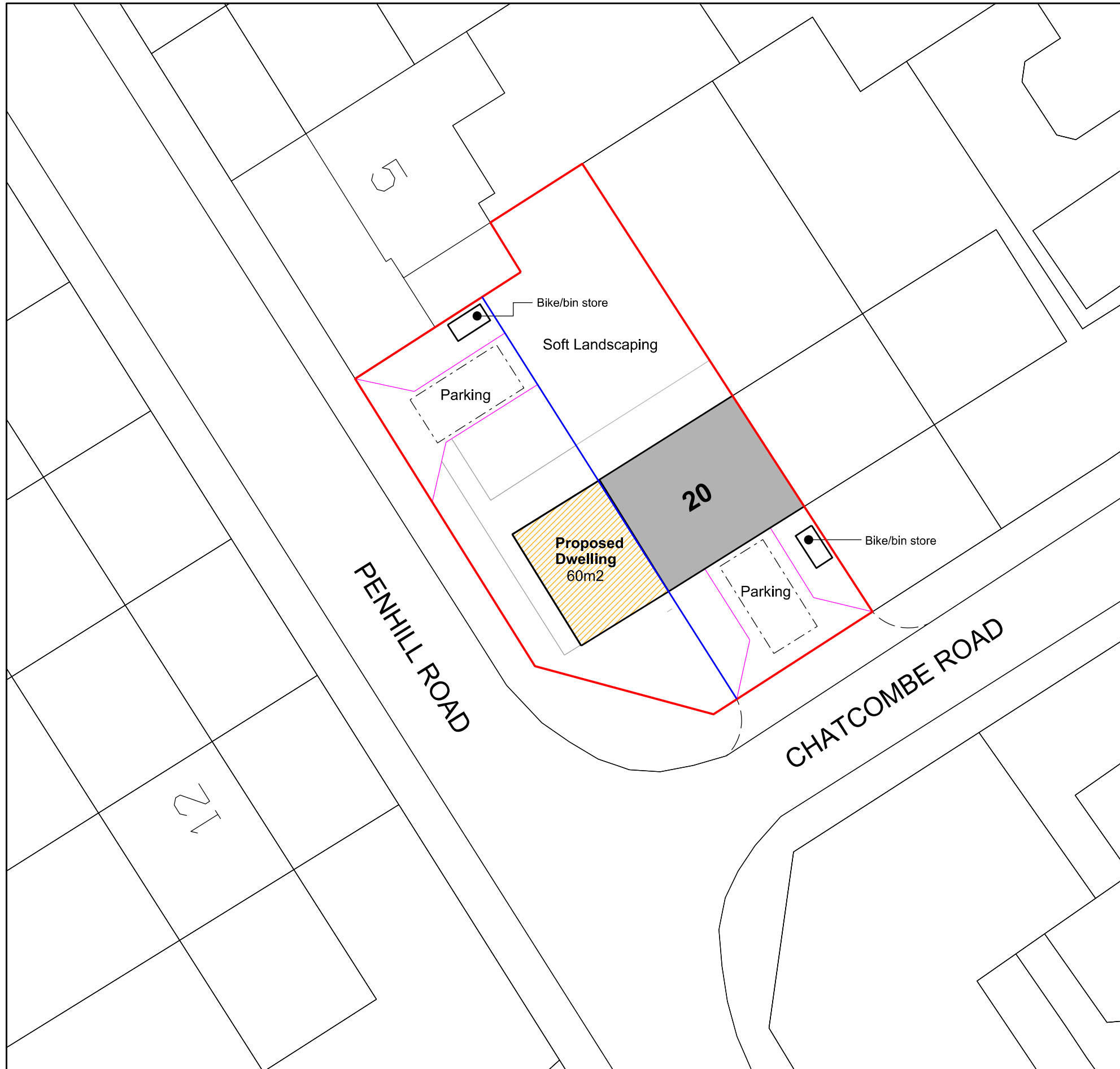
The applicant's attention is drawn to the need to minimise dust and noise emissions during the construction phase, as well as the need for contractor vehicles to be parked responsibly at all times.

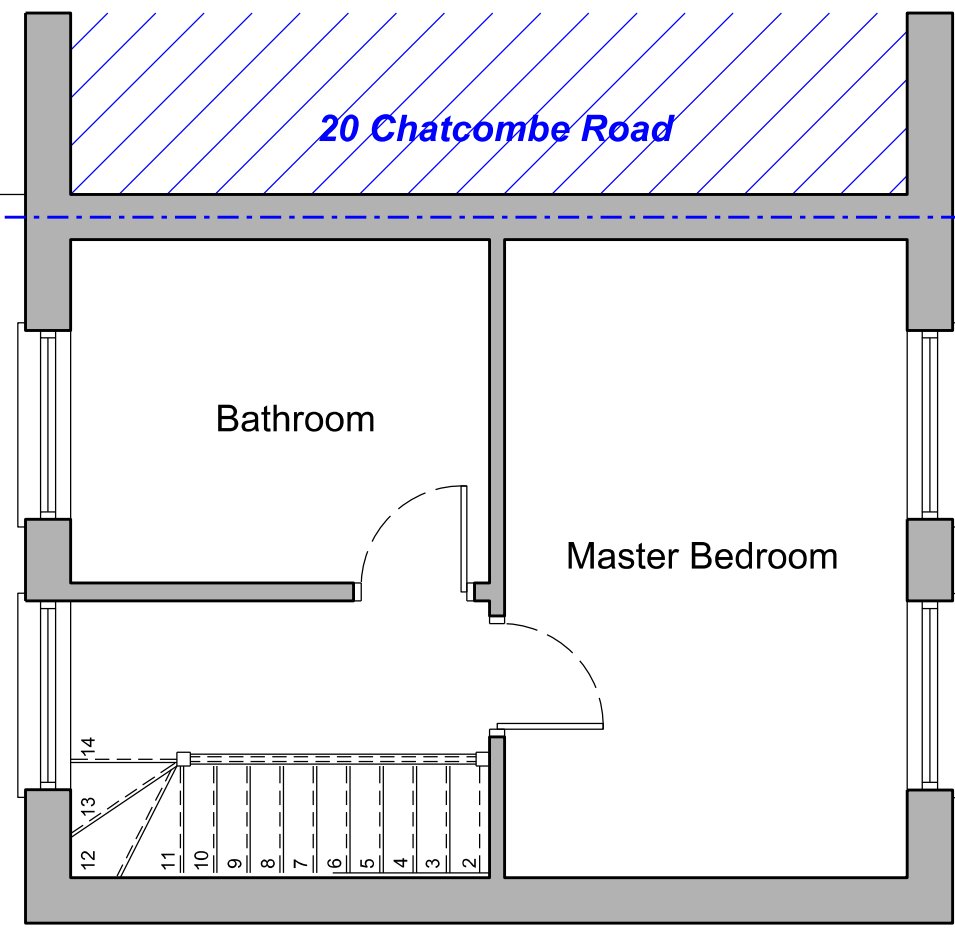
Date: 13th August 2021



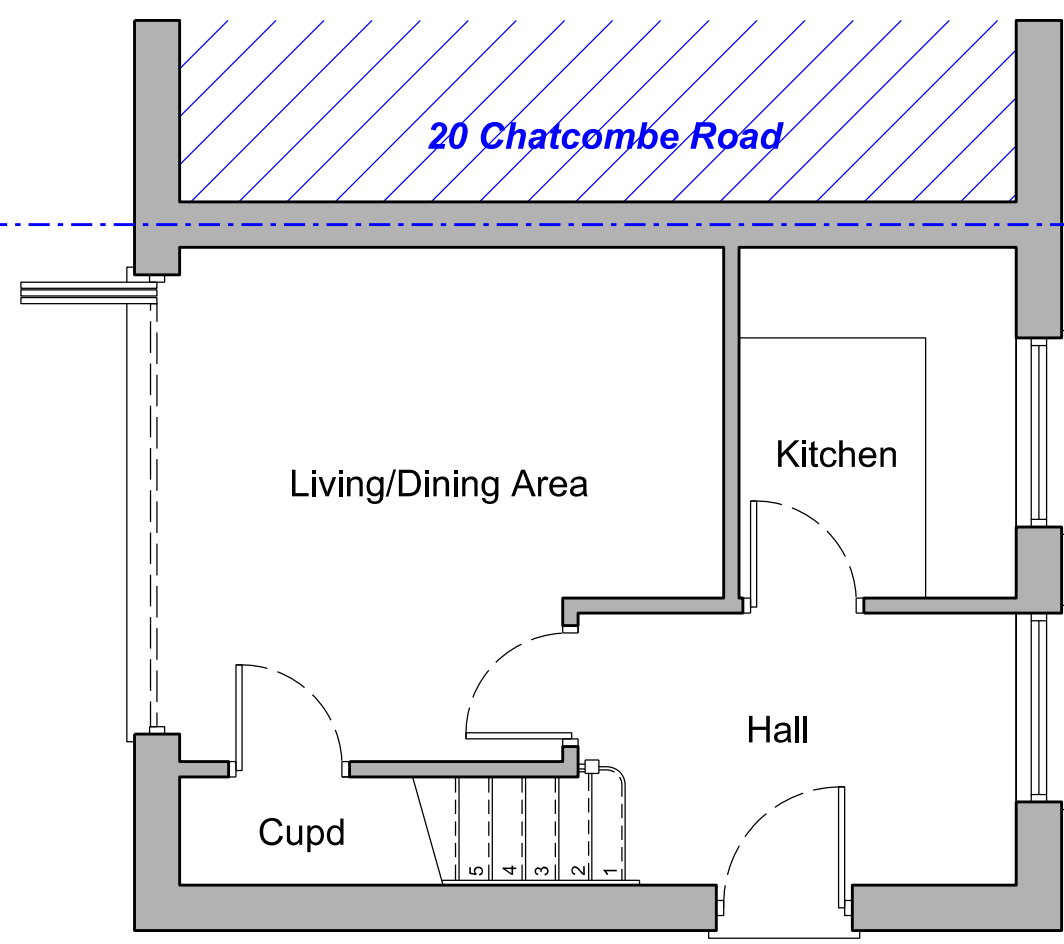
Head of Place

PLEASE SEE NOTES SET OUT IN THE ENCLOSED LEAFLET

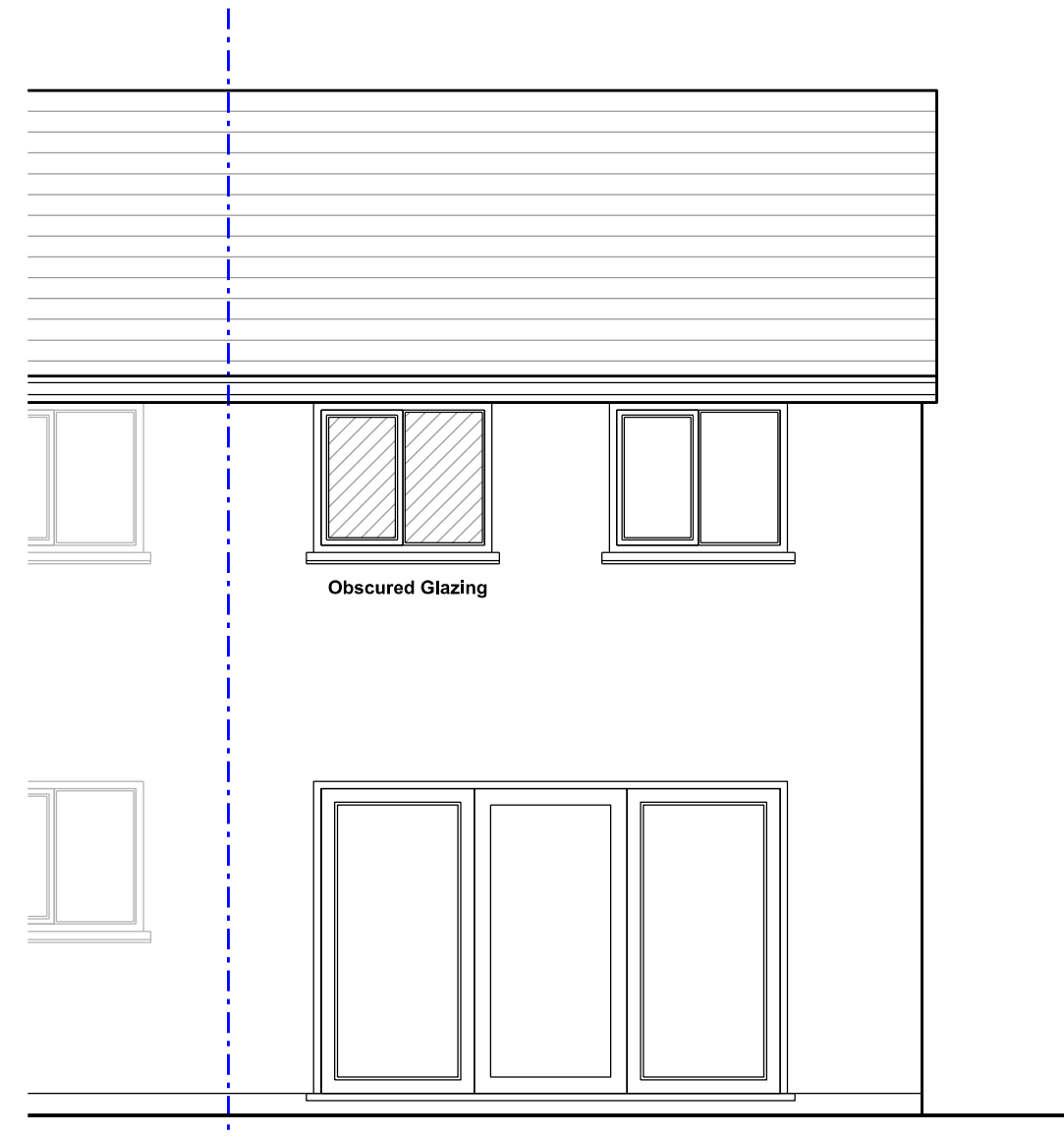




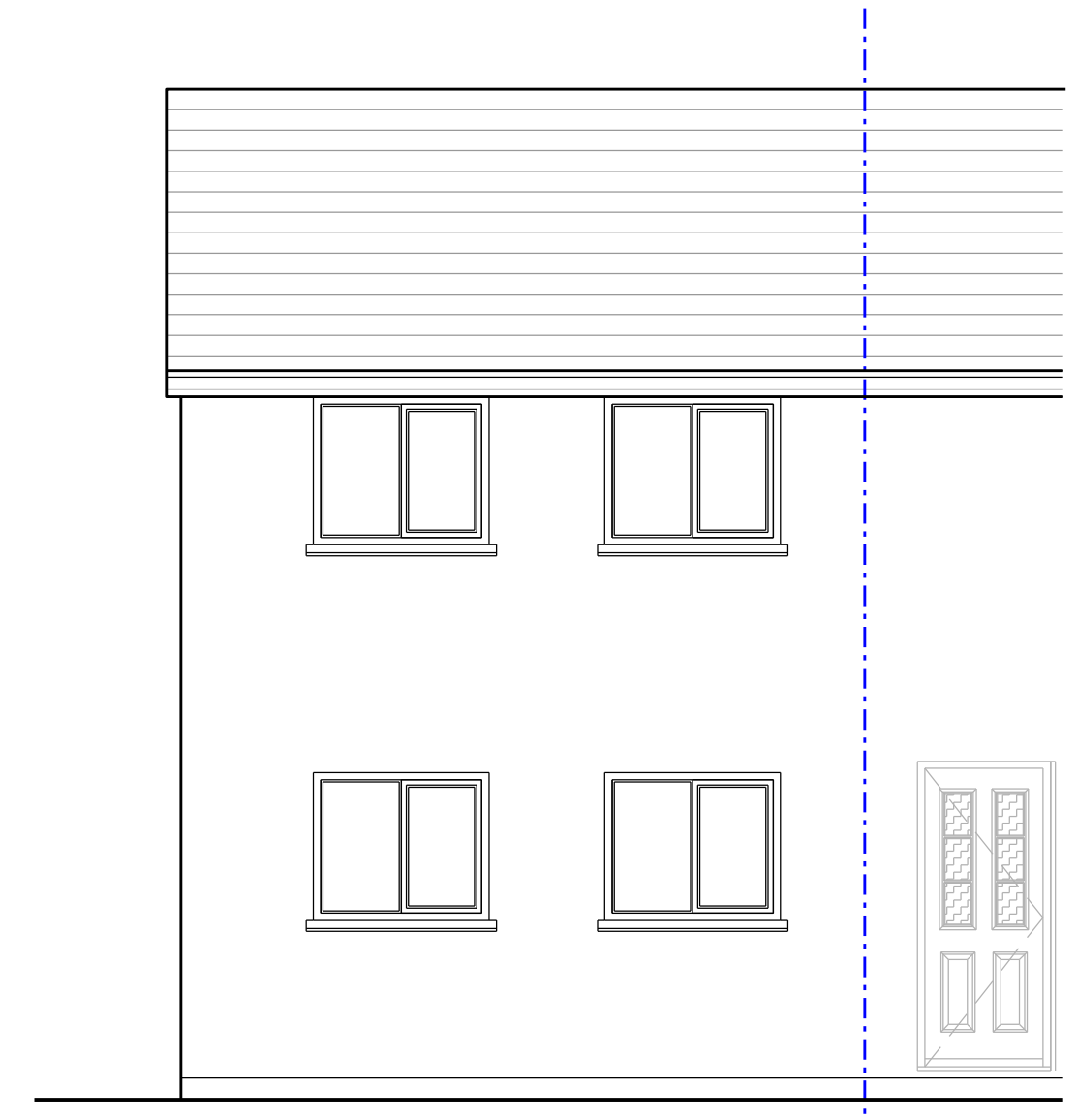
Proposed First Floor Plan



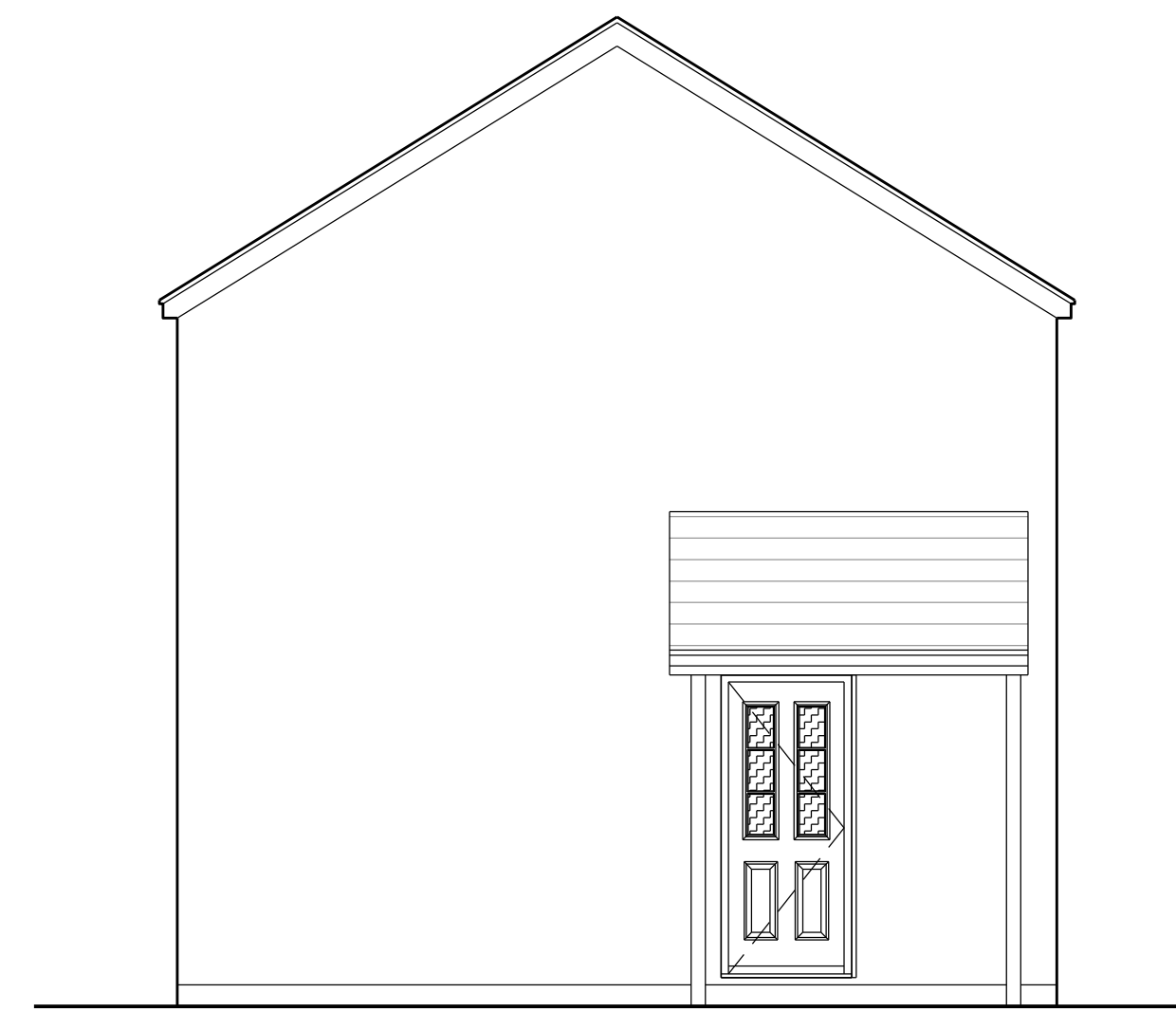
Proposed Ground Floor Plan



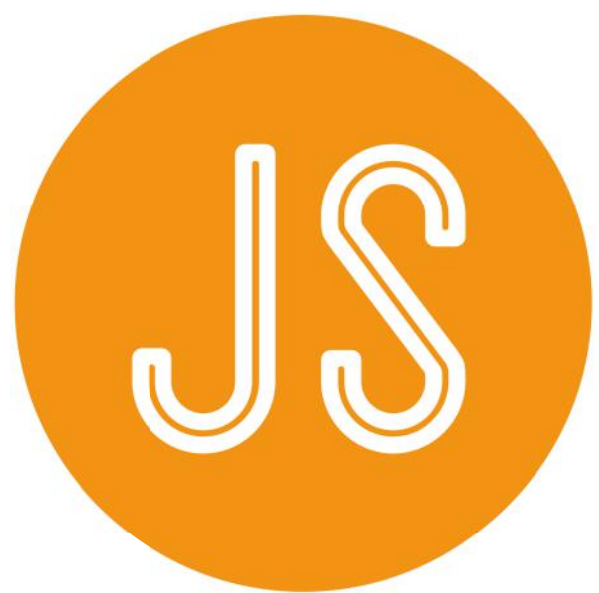
Proposed Rear Elevation



Proposed Front Elevation

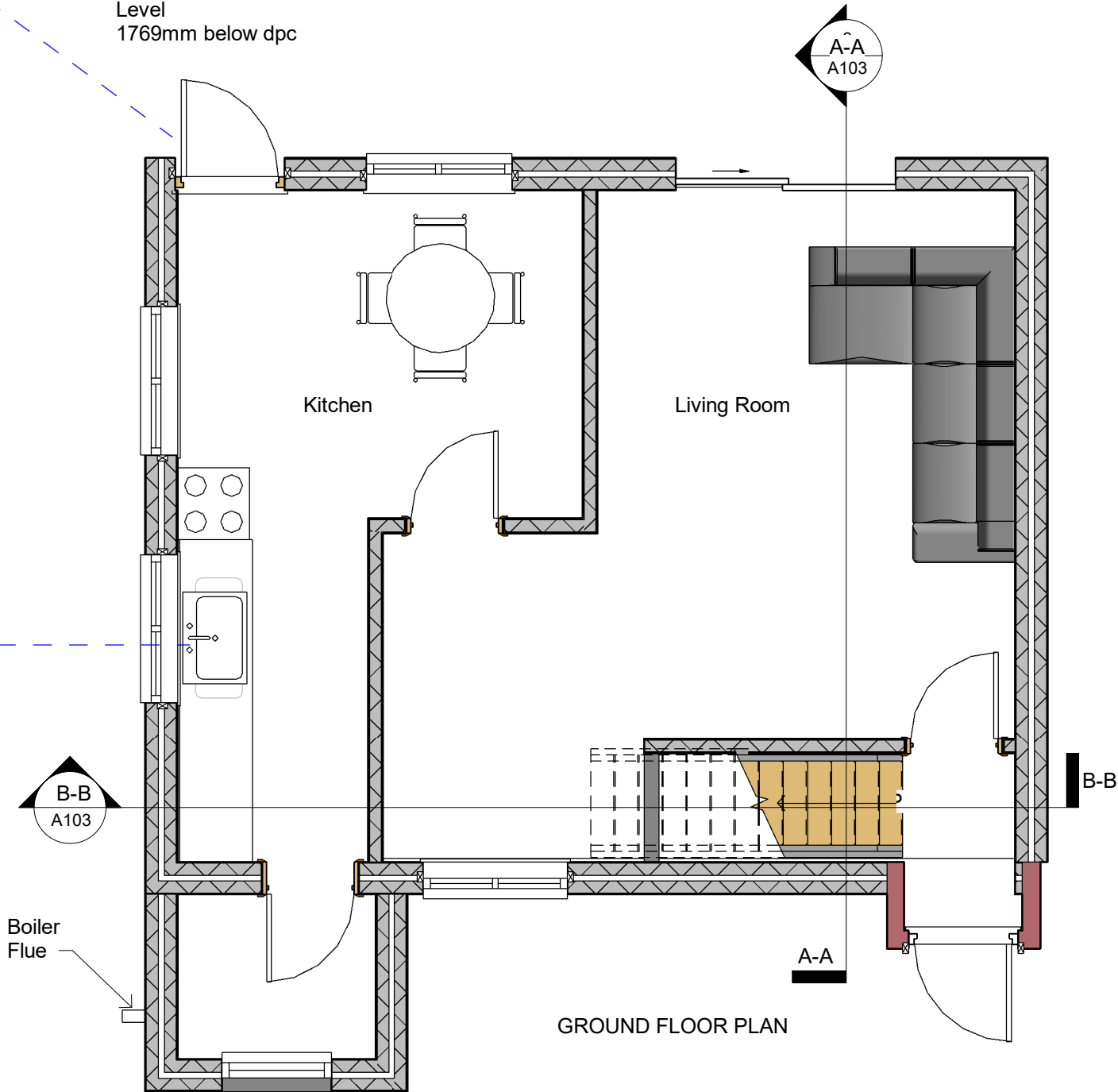


Proposed Side Elevation

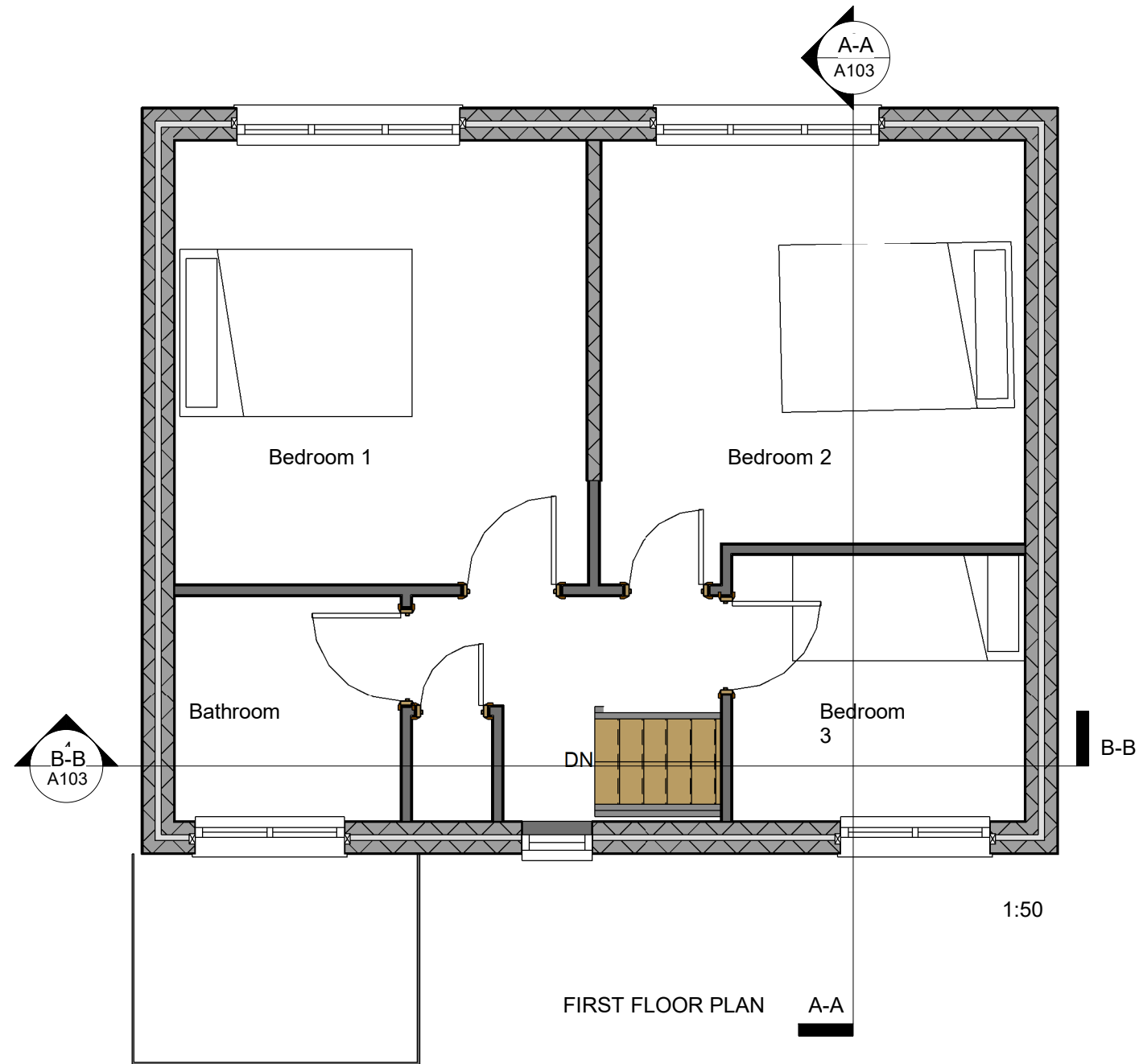


Subject to correct printing. See top left.

Inspection Chamber
Invert Level
Level
1769mm below dpc



GROUND FLOOR PLAN

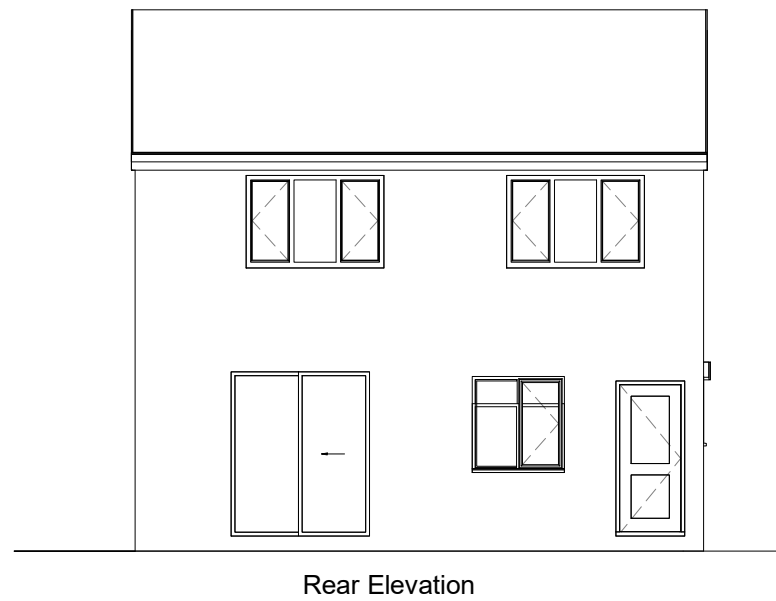
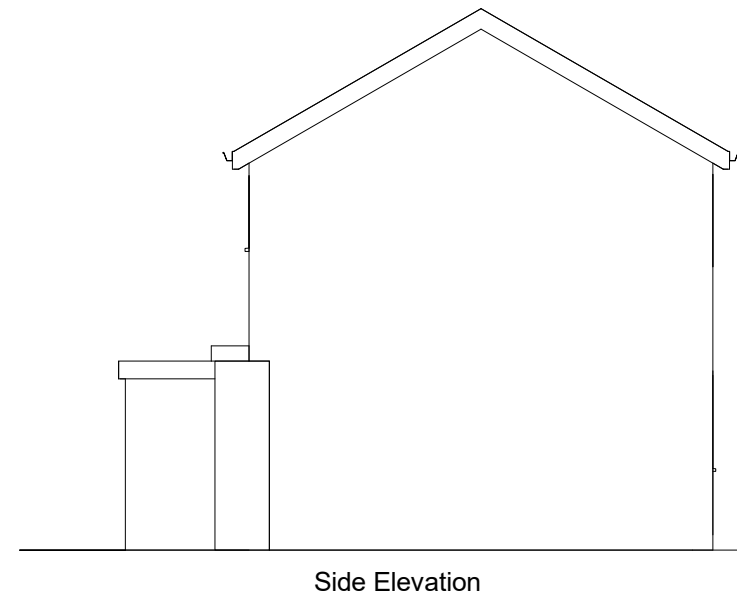
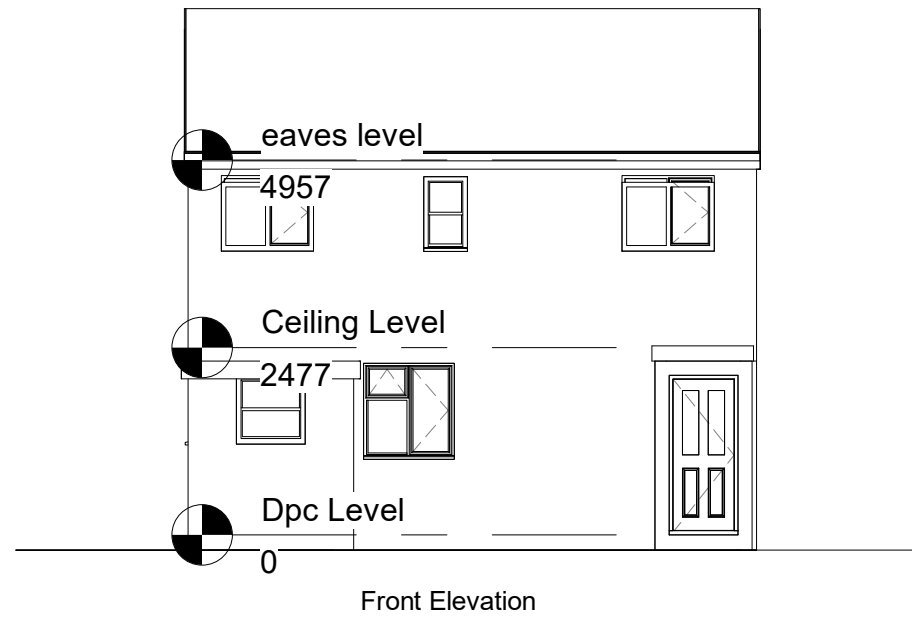


FIRST FLOOR PLAN

EXISTING FLOOR PLANS



Project: 55 Badminton Road
Client: Mrs S Webb
Drawing: Existing Floor Plans
Drawn By Lloyd Gordon
Date: 12/04/2021
Scale: 1:50 @A3
Rev: 0



EXISTING ELEVATIONS

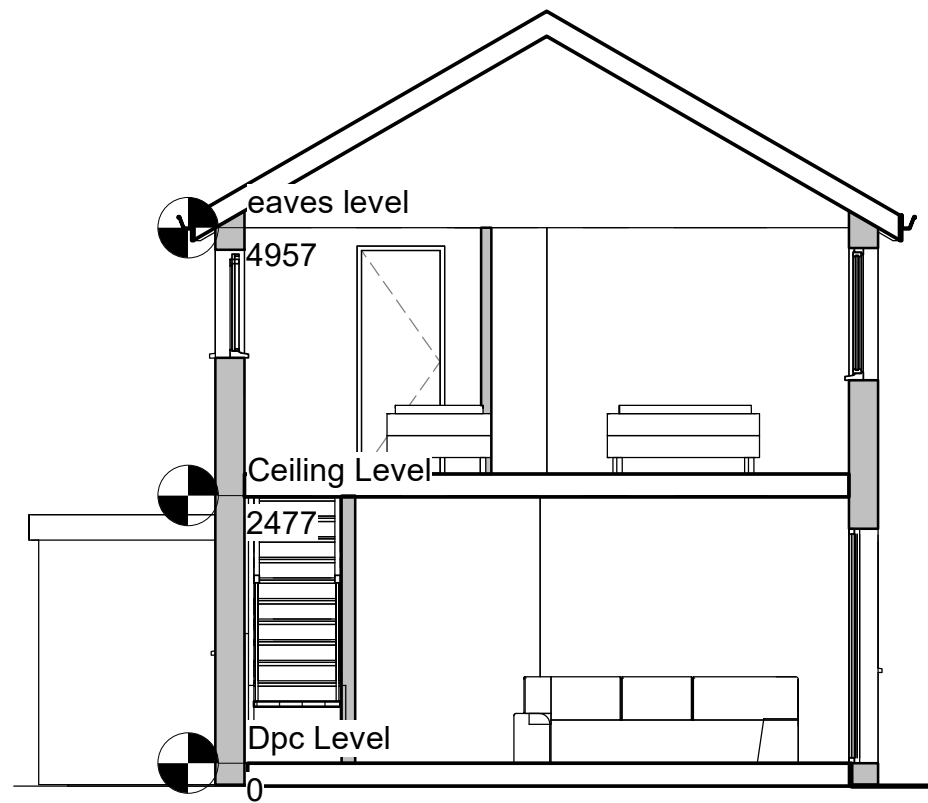


Project: 55 Badminton Road
Client: Mrs S Webb
Drawing: Existing Elevations
Drawn By Lloyd Gordon
Date: 12/04/2021
Scale: 1:100@A3
Rev: 0



Site Plan

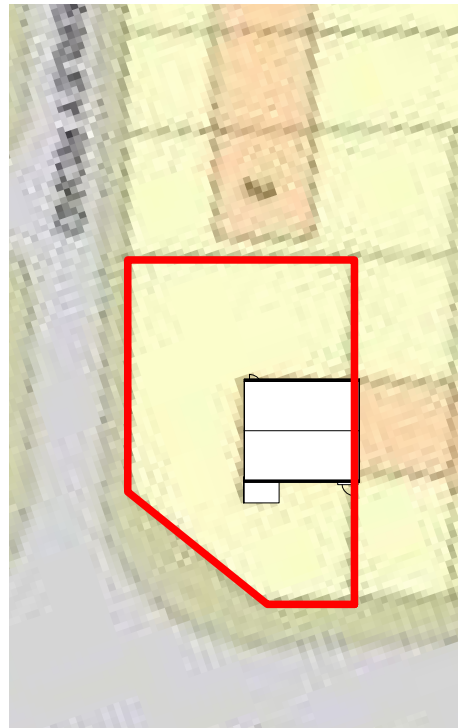
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Section A-A

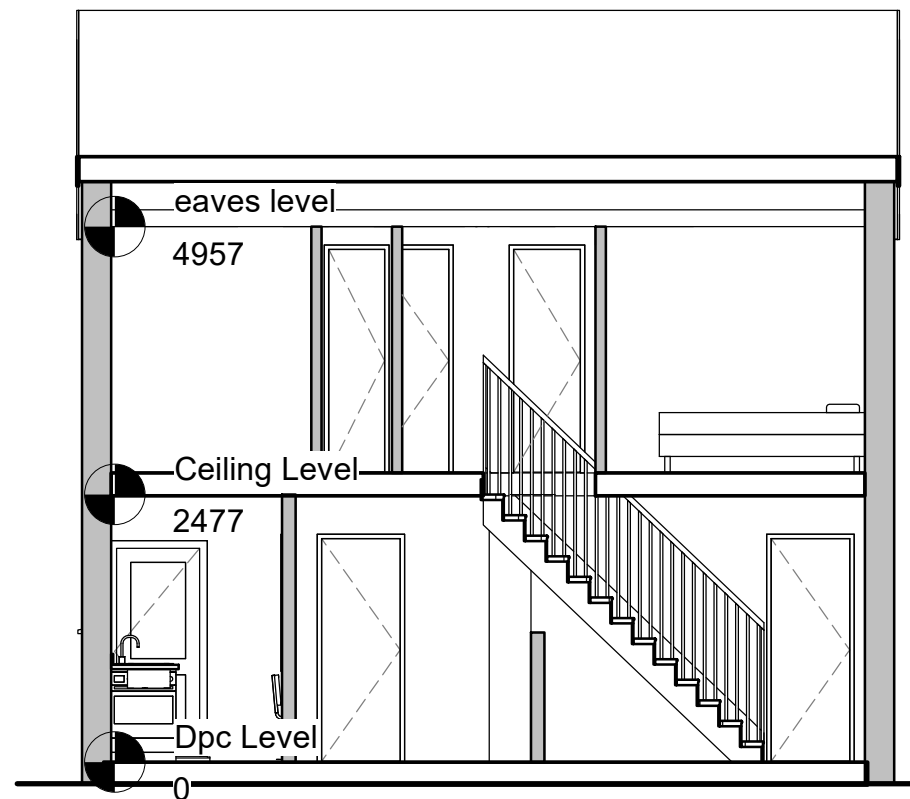


3D View Of Front



Site Plan

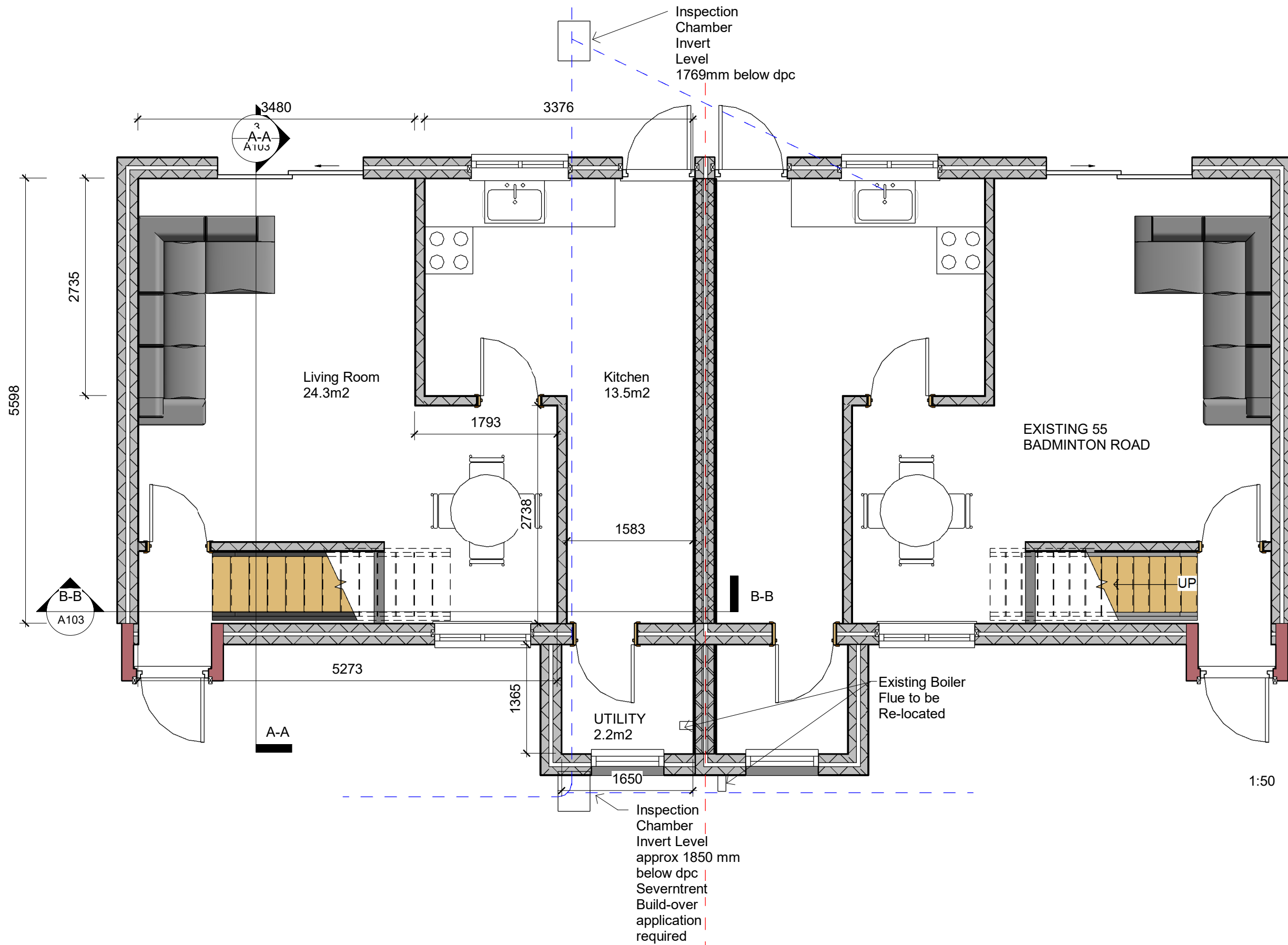
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SECTION B-B



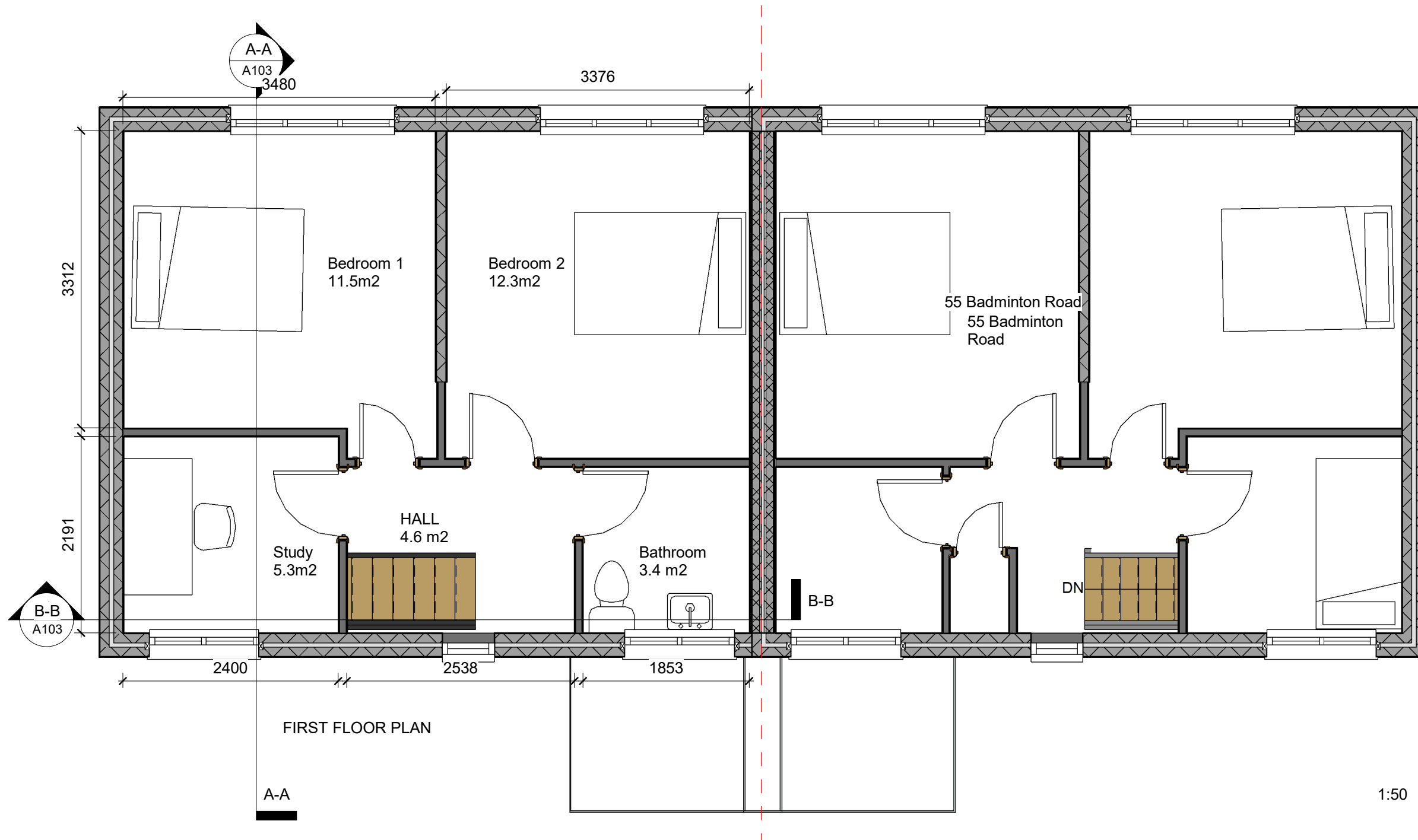
3D View Of Rear



PROPOSED GROUND FLOOR PLAN 40m2



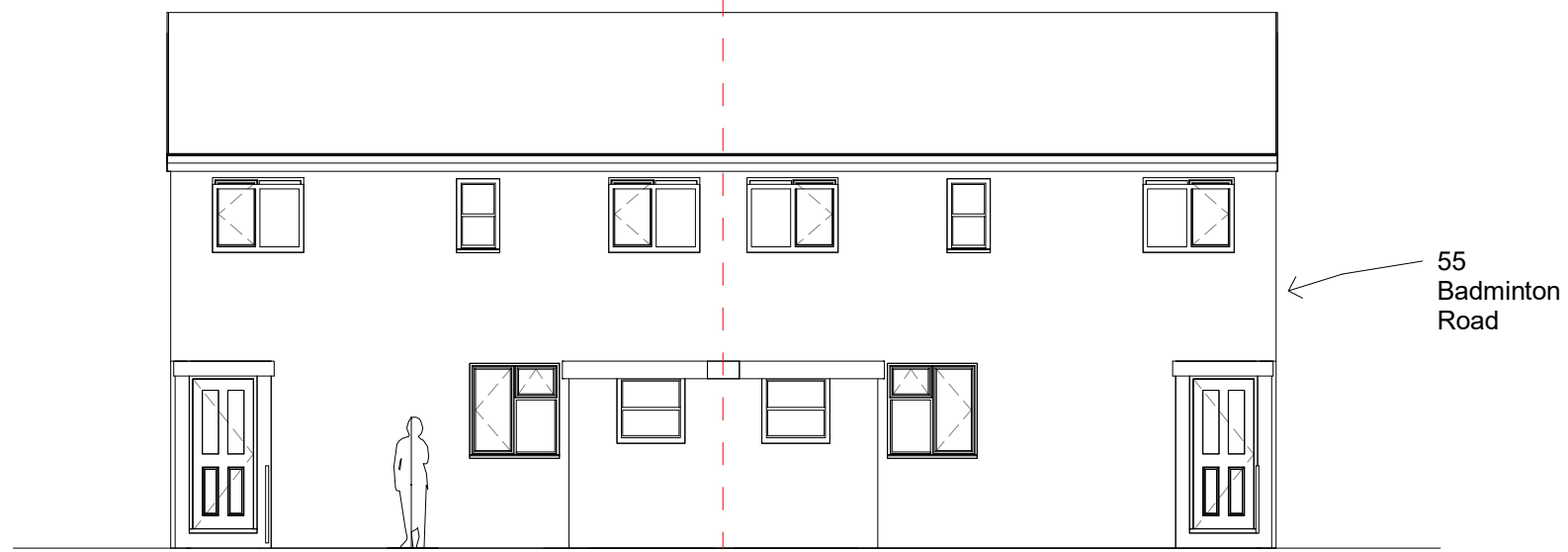
Project: 55 Badminton Road
 Client: Mrs S Webb
 Drawing: Proposed Ground Floor Plan
 Drawn By Lloyd Gordon
 Date: 12/04/2021
 Scale: 1:50 @A3
 Rev: 0



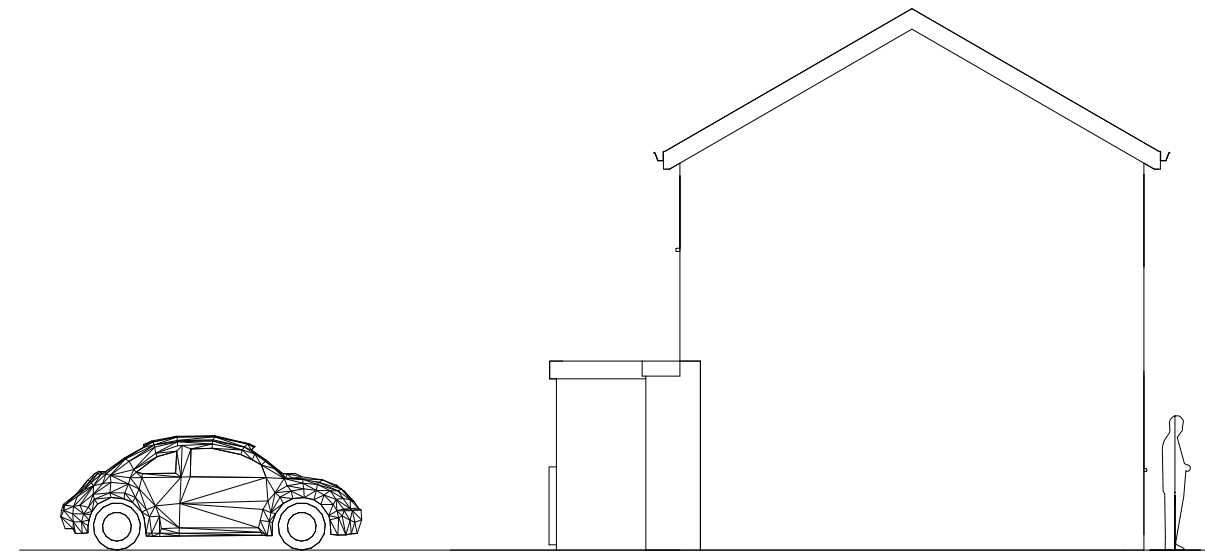
PROPOSED FIRST FLOOR PLAN 37.1m²



Project: 55 Badminton Road
 Client: Mrs S Webb
 Drawing: Proposed First Floor Plan
 Drawn By Lloyd Gordon
 Date: 12/04/2021
 Scale: 1:50 @A3
 Rev: 0



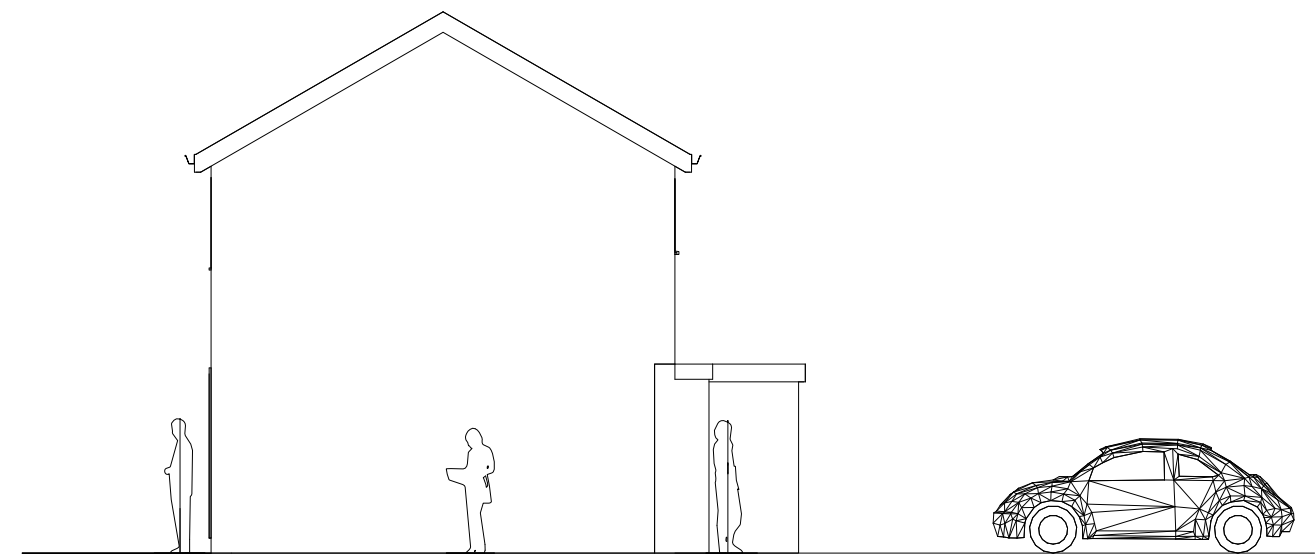
Front Elevation



Side Elevation



Rear Elevation



Side Elevation

1:100

PROPOSED ELEVATIONS

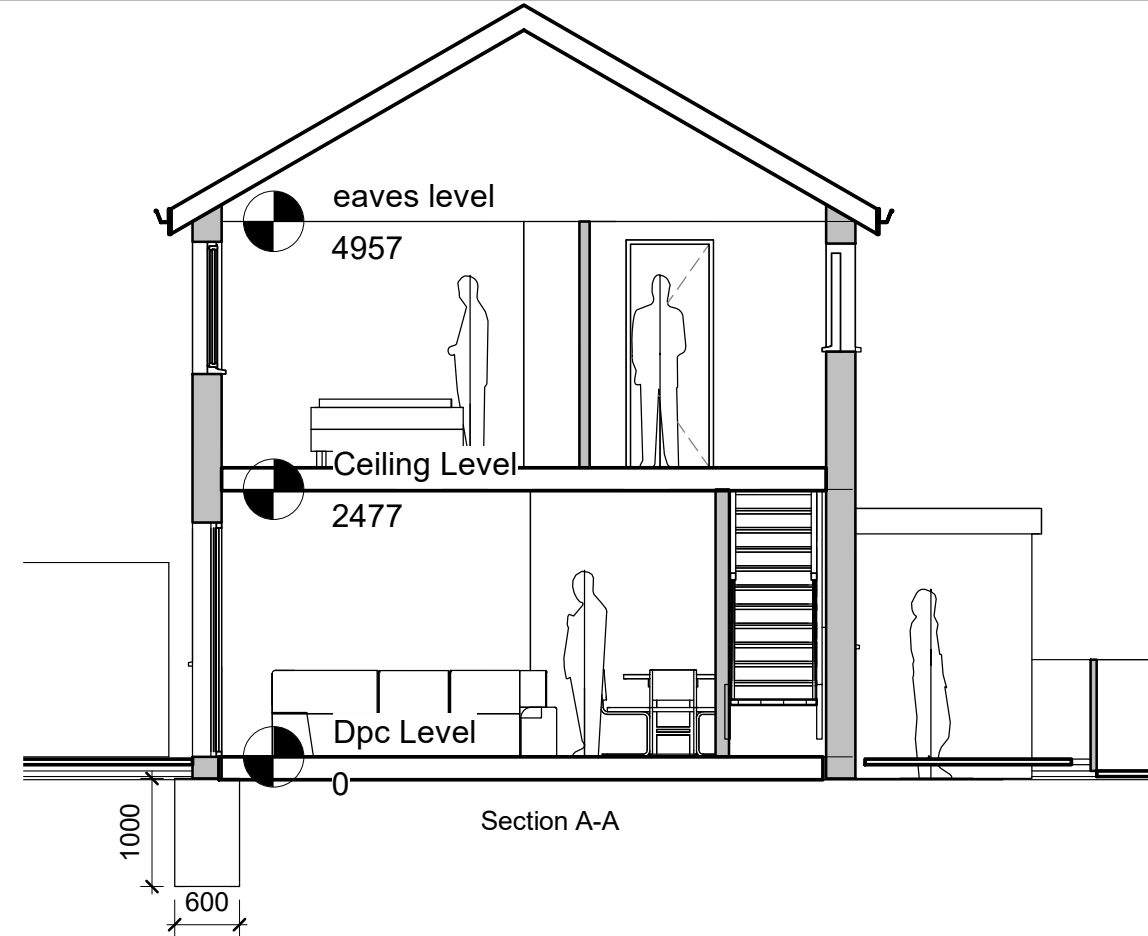


Project: 55 Badminton Road
 Client: Mrs S Webb
 Drawing: Proposed Elevations
 Drawn By Lloyd Gordon
 Date: 12/04/2021
 Scale: 1:100@A3
 Rev: 0



Site Plan

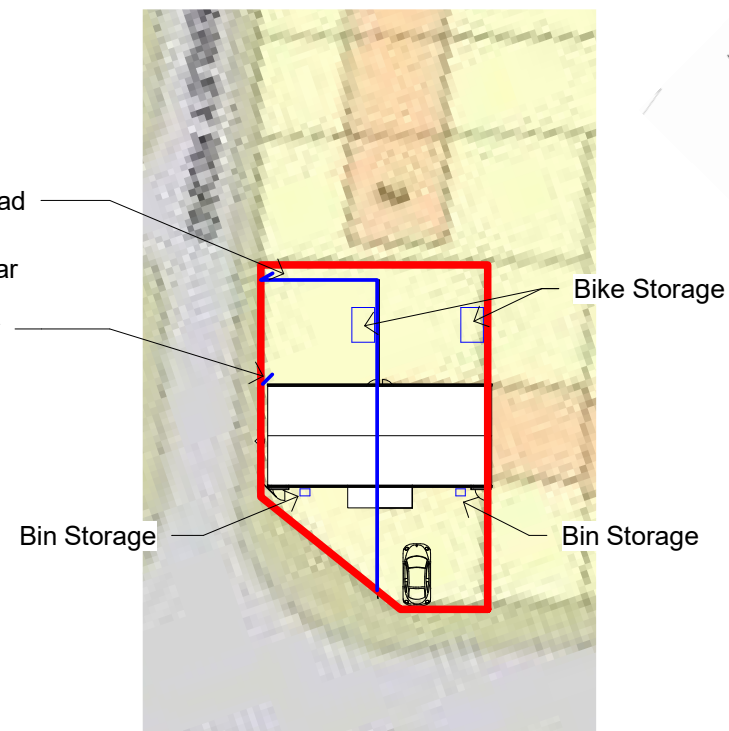
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Section A-A

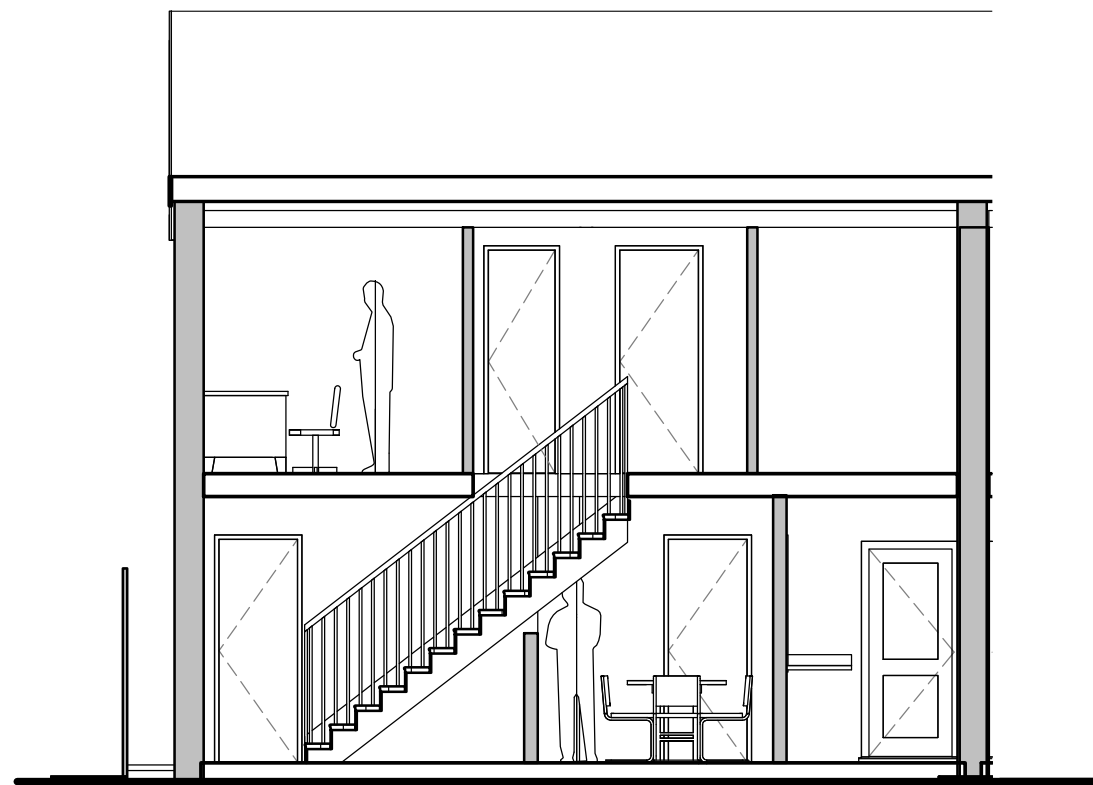
Proposed Rear Access To 55 Badminton Road

Proposed Rear Access to New Property



Block Plan

1:500



SECTION B-B

PROPOSED SITE/BLOCK PLANS



Project: 55 Badminton Road
 Client: Mrs S Webb
 Drawing: Proposed Site/Block Plans
 Drawn By Lloyd Gordon
 Date: 12/04/2021
 Scale: 1:1250, 1:500 @A3
 Rev: 0



3D RENDER OF FRONT



3D RENDER OF REAR



3D RENDER OF LIVING/DINING

Notes:

All Dimensions are to be checked on site

Specification:

foundation Depth of Proposed to be confirmed by the Building Inspector
Proposed Roof to be Designed By Timber Engineers

300mm wide External cavity wall with 100mm cavity wall
rock wool insulation Batts to BS 6676
100mm x 440mm x 215mm Concrete Blocks with
Pebble Dash Render finish to match existing
100mm x 440mm x 215mm Thermalite Blocks

cavity wall ties positioned max 450mm vertical, 900mm
horizontal to BS EN 845-1

Damp proof course laid 150mm above the level of
existing floor level to BS EN 14909

Damp proof tray laid to BS 8215

Cavity wall closures positioned at windows and doors
to BS EN ISO 9001

Proposed ground floor Dpc level to be same as existing
Dpc level

Ground floor spec-

- (1) 100mm Hardcore
- (2) 100mm compacted tight one stone
- (3) 20mm sand binding
- (4) Damp proof membrane BS EN 13967: 2012.
- (5) 100mm rigid insulation BS 5241-1:1994
- (6) separation layer
- (7) 100mm concrete floor
- (8) floor finish to be confirmed by client

PROPOSED 3D RENDERS



Project: 55 Badminton Road
Client: Mrs S Webb
Drawing: Proposed 3D Views
Drawn By Lloyd Gordon
Date: 12/04/2021
Scale: N/A @A3
Rev: 0

Planning – Application Summary

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21/00494/FUL | Construction proposed 2-bedroomed house on the land at 55 Badminton Road | 55 Badminton Road Gloucester GL4 6AZ

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Details [Comments](#) [Related Cases \(1\)](#) [Documents](#)

Summary [Further Information](#) [Important Dates](#)

Reference	21/00494/FUL
Alternative Reference	Not Available
Application Received	Wed 21 Apr 2021
Application Validated	Fri 23 Apr 2021
Address	55 Badminton Road Gloucester GL4 6AZ
Proposal	Construction proposed 2-bedroomed house on the land at 55 Badminton Road
Status	Decided
Decision	Grant for 3 years
Decision Issued Date	Fri 18 Jun 2021
Appeal Status	Unknown
Appeal Decision	Not Available

There are 0 cases associated with this application.