

The Planning Inspectorate

QUESTIONNAIRE (s78) and (s20) PLANNING AND LISTED BUILDING CONSENT (Online Version)

You must ensure that a copy of the completed questionnaire, together with any attachments, are sent to the appellant/agent by the date given in the start letter. **You must include details of the statutory development plan, even if you intend to rely more heavily on some other emerging plan.**

If notification or consultation under an Act, Order or Departmental Circular would have been necessary before granting permission and has not yet taken place, please inform the appropriate bodies of the appeal now and ask for any comments to be sent direct to us by the date your statement is due.

Appeal Reference

APP/U1620/W/21/3286079

Appeal By

MR CALLUM MERCHANT

Site Address

2 Brookthorpe Close
Tuffley
GLOUCESTER
GL4 0LJ

PART 1

1.a. Do you consider the written representation procedure to be suitable? Yes No

*Note: If the written procedure is agreed, the Inspector will visit the site **unaccompanied** by either party unless the relevant part of the site cannot be seen from a road or other public land, or it is essential for the Inspector to enter the site to check measurements or other relevant facts.*

2.a. If the written procedure is agreed, can the relevant part of the appeal site be seen from a road, public footpath, bridleway or other public land? Yes No

2.b. Is it essential for the Inspector to enter the site to assess the impact of the proposal? Yes No

2.c. Are there any known health and safety issues that would affect the conduct of the site inspection? Yes No

3.a. Are there any other appeals or matters relating to the same site still being considered by us or the Secretary of State? Yes No

3.b. Are there any other appeals or matters adjacent or close to the site still being considered by us or the Secretary of State? Yes No

PART 2

4. Does the appeal relate to an application for approval of reserved matters? Yes No

5. Was a site ownership certificate submitted with the application? Yes No

6. Did you give publicity to the application in accordance with either Article 15 of the DMPO 2015, Section 67/73 of the Planning (Listed Buildings and Conservation Areas) Act 1990 or Regulation 5 of the Planning (Listed Buildings and Conservation Areas) Regulations 1990? Yes No

7. Does the appeal relate to a county matter? Yes No

8. Please indicate the development type for the application to which the appeal relates.

- Major Developments
- Minor Developments
- Other Developments

8.b. Minor Developments

- Dwellings
- Offices/R and D/light industry
- General industry/storage/warehousing
- Retail and services
- Traveller caravan pitches
- All other minor developments

Is the appeal site within:

- 9.a. A Green Belt? Yes No
- 9.b. An Area of Outstanding Natural Beauty? Yes No
10. Is there a known surface or underground mineral interest at or within 400 metres of the appeal site which is likely to be a material consideration in determining the appeal? Yes No

PART 3

11. Would the development require the stopping up or diverting of a public right of way? Yes No
- 12.a. Is the site in a Conservation Area? Yes No
- 12.b. Is the site adjacent to a Conservation Area? Yes No
- 12.c. Does the appeal proposal include the demolition of a non-listed building within a conservation area? Yes No
- 13.a. Does the proposed development involve the demolition, alteration or extension of a Grade I / II* / II listed building? Yes No
- 13.b. Would the proposed development affect the setting of a listed building? Yes No
14. Has a grant been made under s3A or s4 of the Historic Buildings and Ancient Monuments Act 1953? Yes No
- 15.a. Would the proposals affect an Ancient Monument (whether scheduled or not)? Yes No
16. Is any part of the site subject to a Tree Preservation Order? Yes No
17. Have you made a Local Development Order under s61A to 61C of the Town and Country Planning Act 1990 (as inserted by s40 of the Planning & Compulsory Purchase Act 2004) relating to the application site? Yes No
18. Does the appeal involve persons claiming Gypsy/Traveller status, whether or not this is accepted by the planning authority? Yes No
- 19.a. Is the appeal site in or adjacent to or likely to affect an SSSI or an internationally designated site (ie. cSAC, SAC, pSPA, SPA Ramsar)? Yes No
- 19.b. Are any protected species likely to be affected by the proposals? Yes No

PART 4			
Environmental Impact Assessment - Schedule 1			
20.a.i. Is the proposed development Schedule 1 development as described in Schedule 1 of the Town and Country Planning (Environmental Impact Assessment) Regulations 2011?	Yes	<input type="checkbox"/> No	<input checked="" type="checkbox"/>
Environmental Impact Assessment - Schedule 2			
20.b.i. Is the proposed development Schedule 2 development as described in Column 1, Schedule 2 of the Town and Country Planning (Environmental Impact Assessment) Regulations 2011?	Yes	<input type="checkbox"/> No	<input checked="" type="checkbox"/>
20.c.i. Have you issued a screening opinion (SO)	Yes	<input type="checkbox"/> No	<input checked="" type="checkbox"/>
Environmental Impact Assessment - Environmental Statement (ES)			
20.d. Has the appellant supplied an environmental statement?	Yes	<input type="checkbox"/> No	<input checked="" type="checkbox"/>
Environmental Impact Assessment - Publicity			
20.e. If applicable, please attach a copy of the site notice and local advertisement published as required for EIA development.	Applies	<input type="checkbox"/> N/A	<input checked="" type="checkbox"/>
21. Have all notifications or consultations under any Act, Order or Departmental Circular, necessary before granting permission, taken place? Please attach copies of any comments that you have received in response. <input checked="" type="checkbox"/> see ' Questionnaire Documents ' section	Yes	<input checked="" type="checkbox"/> No	<input type="checkbox"/>
PART 5			
22. Do you wish to attach your statement of case?	Yes	<input type="checkbox"/> No	<input checked="" type="checkbox"/>
For appeals dealt with by written representations only			
23. If this appeal is not following the written representations expedited procedure, do you intend to send a statement of case about this appeal?	Yes	<input checked="" type="checkbox"/> No	<input type="checkbox"/>
Copies of the following documents must, if appropriate, be attached to this questionnaire			
24.a. a copy of the letter with which you notified people about the appeal; <input checked="" type="checkbox"/> see ' Questionnaire Documents ' section			<input checked="" type="checkbox"/>
24.b. a list of the people you notified and the deadline you gave for their comments to be sent to us; <input checked="" type="checkbox"/> see ' Questionnaire Documents ' section			<input checked="" type="checkbox"/>
Deadline	15/03/2023		
24.c. all representations received from interested parties about the original application;			<input type="checkbox"/>
24.d. the planning officer's report to committee or delegated report on the application and any other relevant documents/minutes; <input checked="" type="checkbox"/> see ' Questionnaire Documents ' section			<input checked="" type="checkbox"/>

- 24.e. any representations received as a result of a service of a site ownership notification;
- 24.f. extracts from any relevant statutory development plan policies (even if you intend to rely more heavily on the emerging plan);
- You must include the front page, the title and date of the approval/adoption, please give the status of the plan. Copies of the policies should include the relevant supporting text. You must provide this even if the appeal is against non-determination.*
- [see 'Questionnaire Documents' section](#)
- [see 'Questionnaire Documents' section](#)
- List of policies 1983 Cover,NPPF,JCS 2017
Cover,SP1,SP2,SD3,SD4,SD10,SD11,SD14,INF1,INF2,City Plan Cover
2019,A1,A6,C1,E6,F1,F2,F6,G1,G2,Local Plan 2002 Cover
- 24.g. extracts of any relevant policies which have been 'saved' by way of a Direction;
- 24.h. extracts from any supplementary planning guidance, that you consider necessary, together with its status, whether it was the subject of public consultation and consequent modification, whether it was formally adopted and if so, when;
- 24.i. extracts from any supplementary planning document that you consider necessary, together with the date of its adoption;
- In the case of emerging documents, please state what stage they have reached.*
- 24.j. a comprehensive list of conditions which you consider should be imposed if planning permission is granted;
- Only tick that this applies if you intend to submit a list of conditions with the questionnaire. If you do not submit the list with the questionnaire, then this should be submitted by the date your statement is due. This list must be submitted separately from your appeal statement.*
- 24.k. if any Development Plan Document (DPD) or Neighbourhood Plan relevant to this appeal has been examined and found sound/met the basic conditions and passed a referendum, the date the DPD or Neighbourhood Plan is likely to be adopted and, if you consider this date will be before the Inspector's decision on this appeal is issued, an explanation of the Council's policy position in respect of this appeal upon its adoption. You should also include an explanation of the status of existing policies and plans, as they relate to this appeal, upon adoption and which (if any) will be superseded;
- 24.l. if any DPD or Neighbourhood Plan relevant to this appeal has been submitted for examination, or in the case of a Neighbourhood Plan has been examined and is awaiting a referendum, an explanation of any substantive changes in the progress of the emerging plan, and their relevance to this appeal if it is considered that the plan will not be adopted before the Inspector's decision on this appeal is issued;
- 24.m. your Authority's CIL charging schedule is being/has been examined;
- 24.n. your Authority's CIL charging schedule has been/is likely to be adopted;
- 24.o. any other relevant information or correspondence you consider we should know about.

For the Mayor of London cases only

- 25.a. Was it necessary to notify the Mayor of London about the application? Yes No
- 25.b. Did the Mayor of London issue a direction to refuse planning permission? Yes No

LPA Details

I certify that a copy of this appeal questionnaire and any enclosures will be sent to the appellant or agent today.

LPA's reference 21/00401/FUL

Completed by

Dawn Collier

On behalf of

Gloucester City Council

Please provide the details of the officer we can contact for this appeal, if different from the Planning Inspectorate's usual contact for this type of appeal.

Name

Joann Meneaud

Phone no (including dialling code)

[REDACTED]

Email

[REDACTED]

Please advise the case officer of any changes in circumstances occurring after the return of the questionnaire.

QUESTIONNAIRE DOCUMENTS

Appeal Reference APP/U1620/W/21/3286079

Appeal By MR CALLUM MERCHANT

Site Address
2 Brookthorpe Close
Tuffley
GLOUCESTER
GL4 0LJ

The documents listed below were uploaded with this form:

Relates to Section: PART 4

Document Description: 21. Copies of any comments that you have received in response.

File name: Comments and Neighbours.pdf

Relates to Section: PART 5

Document Description: 24.a. A copy of the letter with which you notified people about the appeal.

File name: Appeal Neighbour Letter Brookthorpe Close .pdf

File name: ufm4_Consultee_Letter.pdf

Relates to Section: PART 5

Document Description: 24.b. A document containing a list of the people you notified of the appeal.

File name: Appeal Neighbour List Brookthorpe Close.pdf

Relates to Section: PART 5

Document Description: 24.c. Copies of all representations received from interested parties about the original application.

File name: Comments and Neighbours.pdf

Relates to Section: PART 5

Document Description: 24.d. The planning officer's report to committee or delegated report on the application and any other relevant documents/minutes.

File name: Delegated Report.pdf

Relates to Section: PART 5

Document Description: 24.f. Copies of extracts from any relevant statutory development plan policies.

File name: 1983 Front Cover.pdf

File name: JCS Plan Adopted 11 December 2017.pdf

File name: Local Plan 2nd Stage 2002 Cover.pdf

File name: City Plan 2023 Cover.pdf

Relates to Section: PART 5

Document Description: 24.f. Copies of extracts from any relevant statutory development plan policies.

File name: National Planning Policy Framework.pdf

File name: SP1.pdf

File name: SP2.pdf

File name: SD3.pdf

File name: SD4.pdf

File name: SD10.pdf

File name: SD11.pdf

File name: SD14.pdf

File name:	INF1.pdf
File name:	INF2.pdf
File name:	City Plan 2023 Overview.pdf
File name:	City Plan 2023 Policy A1.pdf
File name:	City Plan 2023 Policy F6.pdf
Completed by	Not Set
Date	15/02/2023 13:50:13
LPA	Gloucester City Council

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/21/3286079

A. APPELLANT DETAILS

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

Name	Mr Callum Merchant
Address	2 Brookthorpe Close Tuffley GLOUCESTER GL4 0LJ
Phone number	[REDACTED]
Email	[REDACTED]
Preferred contact method	Email <input checked="" type="checkbox"/> Post <input type="checkbox"/>

B. AGENT DETAILS

Do you have an Agent acting on your behalf? Yes No

C. LOCAL PLANNING AUTHORITY (LPA) DETAILS

Name of the Local Planning Authority	Gloucester City Council
LPA reference number	21/00401/FUL
Date of the application	01/04/2021
Did the LPA validate and register your application?	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>
Did the LPA issue a decision?	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>
Date of LPA's decision	05/07/2021

D. APPEAL SITE ADDRESS

Is the address of the affected land the same as the appellant's address?	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>
Address	2 Brookthorpe Close Tuffley

GLOUCESTER
GL4 0LJ

- 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.

Demolish the attached garage to No.2 and build an attached 2-bedroomed house, referred to as No.2A, within the existing residential curtilage of No.2

Area of floor space of proposed development (in square metres) 75 sq metre(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 been decided? Yes No

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 Callum Merchant

Date

02/11/2021 21:25:13

Name

Mr Callum Merchant

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.pdf
Relates to Section:	FULL STATEMENT OF CASE
Document Description:	A separate list of appendices to accompany your full statement of case
File name:	Appendix 1.pdf
File name:	Appendix 6.pdf
File name:	Appendix 2.pdf
File name:	Appendix 3.pdf
File name:	Appendix 4.pdf
File name:	Appendix 5.pdf
Relates to Section:	SUPPORTING DOCUMENTS
Document Description:	01. A copy of the original application sent to the LPA.
File name:	Application Form.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.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:	Site Location Plan.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:	Original Superceded Proposed Section Through Front to Rear.jpg
File name:	Original Superceded Proposed Ground Floor A3.jpg
File name:	Original Superceded Proposed First Floor A3.jpg
File name:	Original Superceded Proposed Section Through Right to Left A3.jpg
File name:	Original Superceded Proposed Rear Elevation A3.jpg
File name:	Original Superceded Proposed Roof Plan A3.jpg
File name:	Original Superceded Proposed Site Plan A3.jpg
File name:	Original Superceded Proposed Area Site Plan A3.jpg
File name:	Original Superceded Proposed Left Elevation A3.jpg
File name:	Original Superceded Proposed Front Elevation A3.jpg
File name:	Original Superceded Proposed Right Elevation A3.jpg

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 Application Plans.pdf
Relates to Section:	SUPPORTING DOCUMENTS
Document Description:	06.a. Copies of any additional plans, drawings and documents sent to the LPA but which did not form part of the original application (e.g. drawings for illustrative purposes).
File name:	Superseded Proposed Ground Floor Plan 20 May 2021.pdf
File name:	Superseded Proposed Site Plan indicating Elevations 20 May 2021.pdf
File name:	Proposed First Floor Plan A3.pdf
File name:	Proposed Left Elevation A3.pdf
File name:	Proposed Site Plan indicating elevations A3.pdf
File name:	Proposed Ground Floor Plan A3.pdf
File name:	Proposed Front Elevation A3.pdf
File name:	Proposed Roof Plan A3.pdf
File name:	Proposed Rear Elevation A3.pdf
Relates to Section:	SUPPORTING DOCUMENTS
Document Description:	06.b. A list of all plans, drawings and documents (stating drawing numbers) which did not form part of the original application.
File name:	List of Plans not part of original application.pdf
Relates to Section:	SUPPORTING DOCUMENTS
Document Description:	07. A copy of the design and access statement sent to the LPA.
File name:	Design and Access Statement.pdf
Completed by	MR CALLUM MERCHANT
Date	02/11/2021 21:25:13

Appeal documents list 21/00401/FUL

1. Application form
2. Design and access statement
3. Site location plan
4. Existing site plan A3 1260/060
5. Existing site plan indicating elevations A3 1260/070RevB
6. Proposed front elevation A3 1260/095RevB
7. Proposed rear elevation A3 1260/0100RevB
8. Proposed left elevation A3 1260/0110RevB
- 9 Proposed roof plan A3 1260/090RevB
10. Proposed ground floor plan A3 1260/080RevB
11. Proposed first floor plan A3 1260/085RevB
12. Proposed site plan indicating elevations 1260/075RevB
13. Decision Notice
14. Delegated Report
15. Appeal form
16. Statement of Case
17. Appendix 1
18. Appendix 2
19. Appendix 3
20. Appendix 4
21. Appendix 5
22. Appendix 6

PLANNING APPEAL

Relating to 2 Brookthorpe Close, Tuffley, Gloucester GL4 0LJ

Planning Application Ref: 21/00401/FUL

1. The Site

- 1.1. The site is located in the built-up area of the city within the Tuffley Ward of Gloucester. The existing site comprises a two-storey semi-detached property set in a substantial corner plot at the junction of Tuffley Lane with Brookthorpe Close. The existing dwelling benefits from a single storey garage and 2 parking spaces. The surrounding area is residential with predominately two storey semi-detached or terraced houses of similar design and style.

2. The Proposal

- 2.1. The proposal is to demolish the attached garage to the existing dwelling and construct an attached 2 bedroomed house which would match neighbouring properties.
- 2.2. The proposed dwelling would comprise a living room and a kitchen on the ground floor and 2 bedrooms, a bathroom, and a modest office space at first-floor level. The proposed dwelling would have an internal floor space of approximately 75 square metres and therefore reaches national space standards. Sufficient outdoor amenity space would be provided. Solar panels are proposed on the southwest roof elevation.
- 2.3. The space to the northwest of the proposed dwelling would be used as a parking area for the existing and proposed dwellings.

3. Reason for Refusal

- 3.1. The proposal was considered to be unacceptable for the following reason:

“The proposed introduction of a dwelling within the side garden would be out of keeping with the urban structure and pattern of development found in the area. Additionally, the proposal given its footprint and resulting compromised garden area of the host dwelling, would result in an over development of the site contrary to the NPPF and policy SD4 of the Gloucester, Cheltenham and Tewkesbury Joint Core Strategy (2017).”

4. Grounds of Appeal

Background

- 4.1. Following the submission of the application and the comments received from the Highways Department on 22 April 2021, liaison was undertaken with the case officer where it was decided that a policy of 1 car per dwelling would be applied, to ensure highways concerns could be overcome. At the same time, the case officer expressed concerns about overshadowing of the existing dwelling on the submitted plans.
- 4.2. Discussion was undertaken with the case officer to determine whether any level of overshadowing would be acceptable, to inform any revisions to the plans. It was agreed that a new dwelling which extended only as far back as the existing garage would be acceptable. As a result, the plans were revised and resubmitted with a revised layout and parking.

- 4.3. Following this the case officer gave a further indication that the formal porch would not be in keeping with the area, nor would the windows along the right elevation. As a result, the drawings were further revised to address these concerns and the porch, and windows on the right elevation, were removed.
- 4.4. It was surprising therefore that the proposal was refused on visual grounds given the significant discussion that was undertaken and the revisions that were made at the suggestion of the case officer.
- 4.5. It was also surprising to see that at one point in the Officer Report an alternative site appears to be referred to, 38 Hillview Road, leading to questions about whether this proposal was the one assessed.

Design

- 4.6. It is considered that any reasonable person looking at the proposal would consider that the proposed dwelling fits naturally into the street scene and is not out of keeping with the urban structure or pattern of development found in the area.
- 4.7. The property would be similar in appearance to those dwellings already in existence within Brookthorpe Close; the proposed external facing materials would match the host dwelling and mirror the eaves and ridge height of the existing dwelling.
- 4.8. Brookthorpe Close has an unusual nature with several properties staggered and set back from the line of development. There is no definitive linear form as is made out in the Officer Report. The Officer Report suggests that there is “*a relatively coherent layout*”. Even the term “*relatively*” is an overemphasis, and the layout is not as regular as suggested. It is considered therefore that the current proposal would not be out of character.
- 4.9. The Officer Report considers (referencing a different property) that “*the proposed introduction of a dwelling within the side garden area of 38 Hillview Road would be out of keeping with the urban structure and pattern of development found in the area where dwellings front onto Brookthorpe Close and are set away from the Highway*”.
- 4.10. Assuming the officer is referring to Brookthorpe Close, rather than Hillview Road, it is not the case that that all of the dwellings front onto the close. Indeed, the existing dwelling does not front onto Brookthorpe Close (Appendix 1). Nor does 29 Brookthorpe Close, for example (Appendix 2). The proposal would not make a material difference to the existing urban structure in this respect, and this is not a reason to refuse the development.
- 4.11. The Officer Report goes on to state that the proposal “*would result in an island like prominent development with a dwelling set right against a pavement. The proposed development would create a large blank wall sat next to a pavement and this is considered to interrupt the pattern of development in the immediate area*”.
- 4.12. The existing dwelling already provides “*a large blank wall set next to a pavement*” (see Appendix 3), as do others in the close, such as the garage of number 1 Brookthorpe Close, albeit one-storey, which also provides “*a large blank wall set next to a pavement*” in the immediate vicinity and next to the highway (see Appendix 4).

Further, 29 Brookthorpe Close provides “*a dwelling set right against a pavement*”, being a similar distance from the pavement as the proposed dwelling.

- 4.13. It is considered, as can be appreciated from the photographs in Appendix 5, that there are several large, blank, walls that are highly prominent upon entering Brookthorpe Close off of Tuffley Lane and there is no strict pattern. Thus, the proposal is simply not out of keeping with the urban structure or pattern of development found in the area. In fact, it is entirely within keeping of it.
- 4.14. Further, it was on the recommendation of the case officer that the proposed windows on the right elevation were removed, and revised drawings submitted, creating the “*large blank wall*” referred to. If there were genuine concerns about the visual impacts of such a wall set next to a pavement then the case officer would not have made such a recommendation.
- 4.15. The dwelling has been designed to fit naturally within the street scene, whilst also aiming to ensure the build is environmentally friendly by encompassing solar panels and increased insulation materials. As a result, it meets the criteria set out in Policy SD4 of the Joint Core Strategy.
- 4.16. If that is not accepted, then a condition could be added requiring planting of a hedgerow along the right boundary, which is currently described as an “open plan garden” to provide screening of the wall in question and break up the canvas.

Host dwelling

- 4.17. It is simply not accepted that the proposal would result in the garden area of the host dwelling being “*significantly*” compromised or an overdevelopment of the site.
- 4.18. The Officer Report suggests that the dwelling would result in a “*significantly compromised garden area for the existing dwelling*”.
- 4.19. Should the proposal be permitted the resulting garden of the host dwelling would be more than sufficient and in keeping with the size of the gardens of the other mid-terraced properties in Brookthorpe Close, for example numbers 8 and 10 Brookthorpe Close and those properties marked with a green “x” on Appendix 6.
- 4.20. The site is large enough to accommodate the development without significantly comprising the garden area for the existing dwelling or resulting in over development.
- 4.21. Less than four weeks before the decision being challenged, the Council granted permission for a similar application, 21/00494/FUL, in a neighbouring ward with no concerns in relation to overdevelopment despite a similar reduction in size of the host dwelling’s garden.

Conclusion

- 4.22. It is considered that the proposed dwelling would make a positive contribution to the street scene and to the City Council’s housing land supply. The Inspector is respectfully requested to approve the development.

Appendices

- Appendix 1 Indication that 2 Brookthorpe Close does not front onto the close
- a. Front of 2 Brookthorpe Close taken standing on parking and turning area (15/10/21 11:30am)
 - b. View of 2 Brookthorpe Close from standing outside 14 Brookthorpe Close (street view 2012)
- Appendix 2 Indication that 29 Brookthorpe Close does not front onto the close
- a. Front of 29 Brookthorpe Close (street view 2012)
 - b. View of 29 Brookthorpe Close from standing adjacent on Brookthorpe Close highway (15/10/2021 11:29am).
- Appendix 3 Large, blank wall already in existence at 2 Brookthorpe Close
- a. Taken at the junction of Brookthorpe Close/Tuffley Lane (street view 2019).
 - b. Taken from standing on parking and turning area (13/10/2021 5:10pm).
 - c. Taken from adjacent pavement (13/10/2021 5:11pm).
- Appendix 4 Large, blank wall at 1 Brookthorpe Close
- a. Taken at the junction of Brookthorpe Close/Tuffley Lane (street view 2019)
- Appendix 5 General view of street scene/urban structure/walls/frontages
- a. Taken at the entrance to Brookthorpe Close on the junction of Brookthorpe Close/Tuffley Lane (street view 2019).
 - b. Taken on pavement outside 29 Brookthorpe Close looking to bottom of close (15/10/2021 11:29am)
 - c. Taken on pavement outside 2 Brookthorpe Close looking down close (15/10/2021 11:30am)
 - d. Taken from front bedroom window of 2 Brookthorpe Close looking down close (15/10/2021 11:35am).
 - e. Large blank wall of 19 Brookthorpe Close taken on the pavement outside of 17 Brookthorpe Close (15/10/2021 11:28am).
 - f. Large blank wall of 14 Brookthorpe Close taken on the pavement outside of 2 Brookthorpe Close (15/10/2021 11:30am).
- Appendix 6 Indicative garden size of mid-terraced properties in Brookthorpe Close

Appendix 4



Appendix 5









Appendix 6 - Indicative garden size of mid-terraced properties in Brookthorpe Close



Appendix 1



Appendix 2



Appendix 3







Design and access statement:

The demolition of the attached garage to No. 2 and build an attached two bedroom house, referred to as No. 2A, within the existing residential cartilage of No. 2.

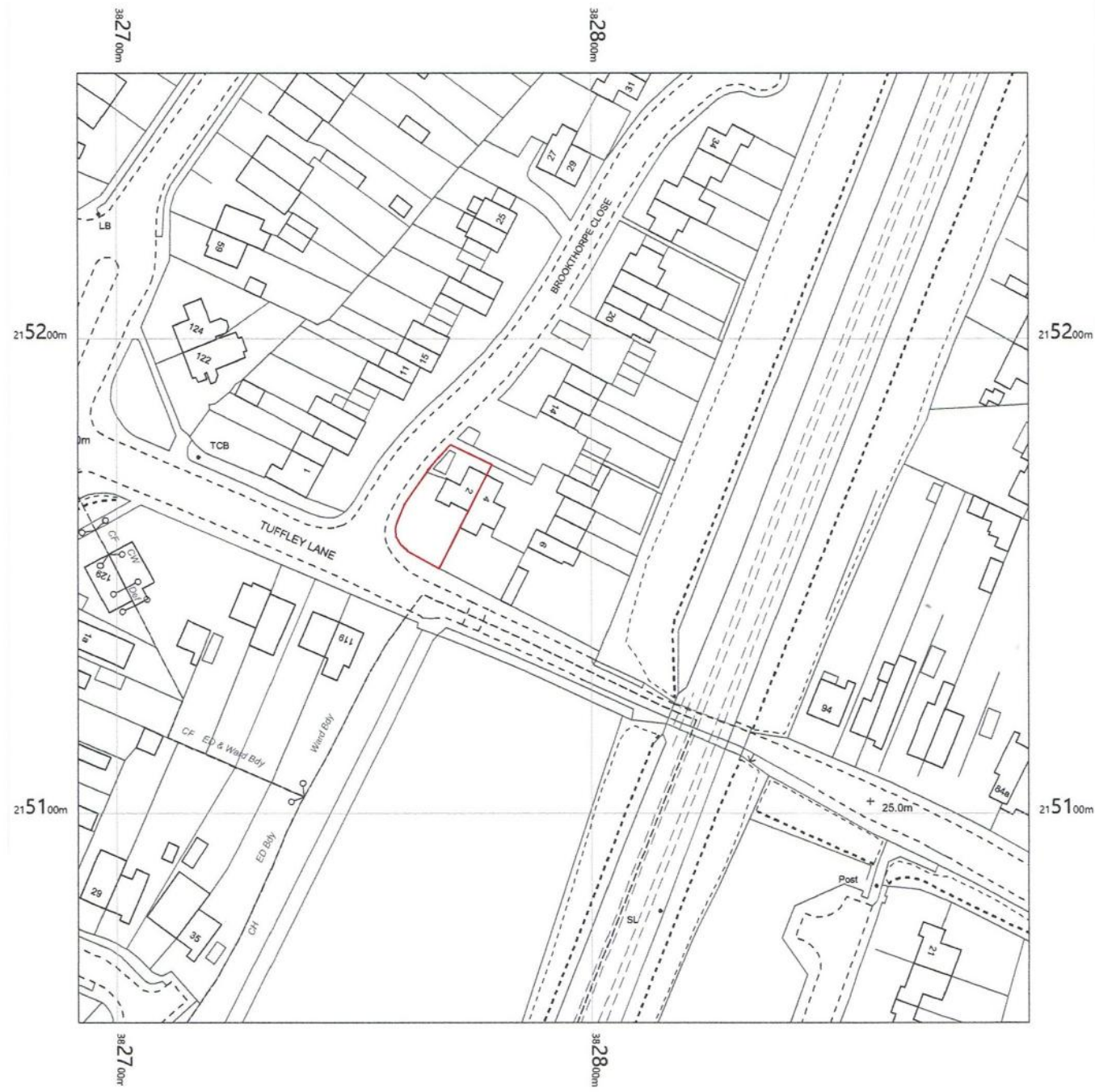
01: Design:

The new build is a two storey attached house, being approximately the same size to the existing adjacent properties. All elevations are brick, LBC Melford colour yellow matching existing adjacent properties. Roof tiles are, Redland Grovebury colour red matching existing adjacent properties, there is also an array of solar panels on the south west roof elevation. The windows and doors are double glazed U PVC colour white as are the barge boards and eaves. The central heating is fuelled by mains gas which along with the water and electricity supplies are already on site as is foul sewer connections, the solar panels and use of increased insulation materials will aid the lowering of running costs as well as being environmentally friendly.

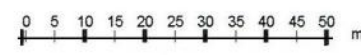
02: Access:

Pedestrian access is via a SUDS paved pathway onto Brookthorpe Close.

The vehicle access is from Brookthorpe Close via an existing dropped kerb and communal turning area, the parking surface is to be SUDS block pavers. The property will have access to all the usual public transport facilities and local amenities



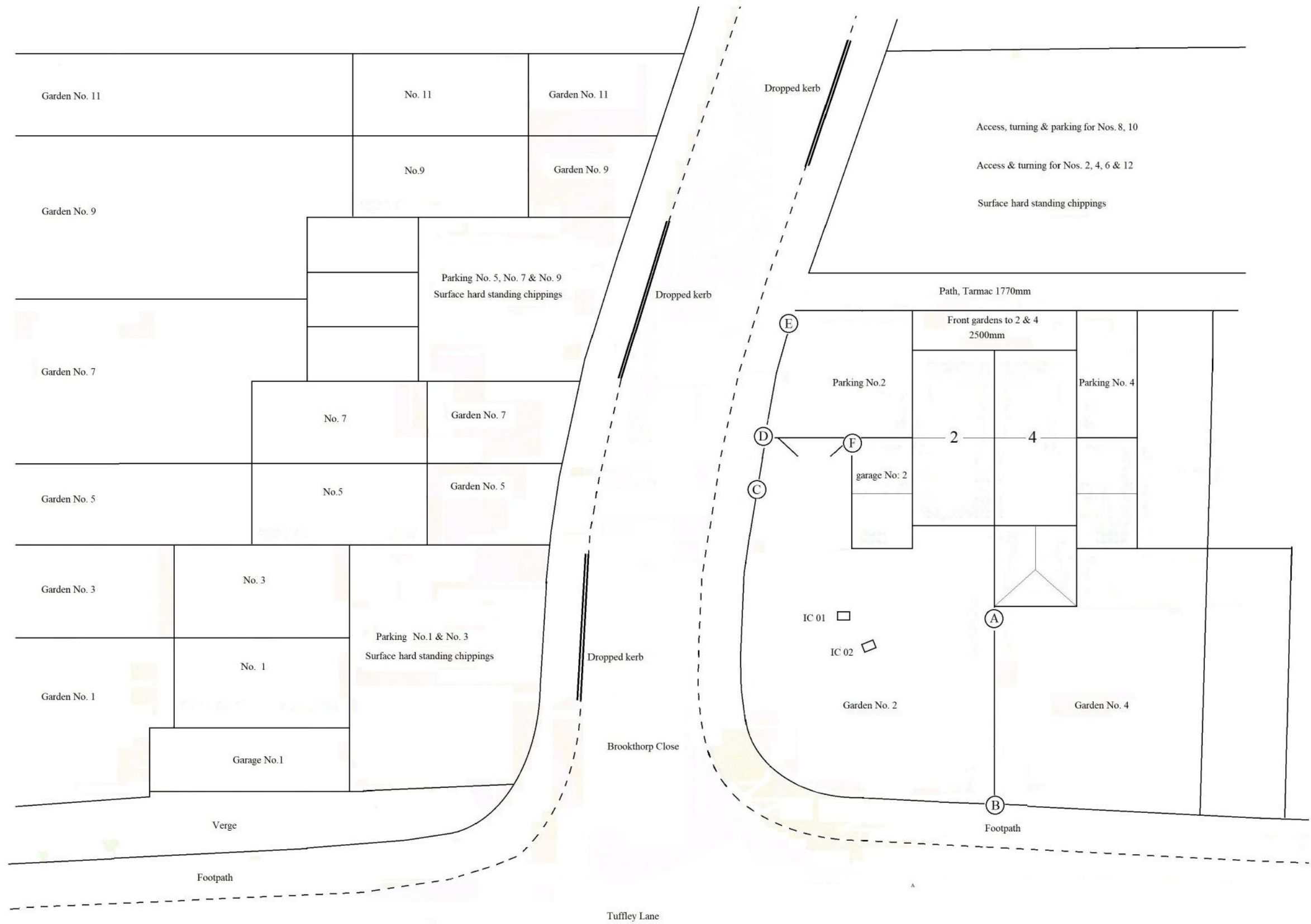
Scale @ A3 1 : 1250



2 Brookethorpe Close
Gloucester
GL4 0LJ

Legend:

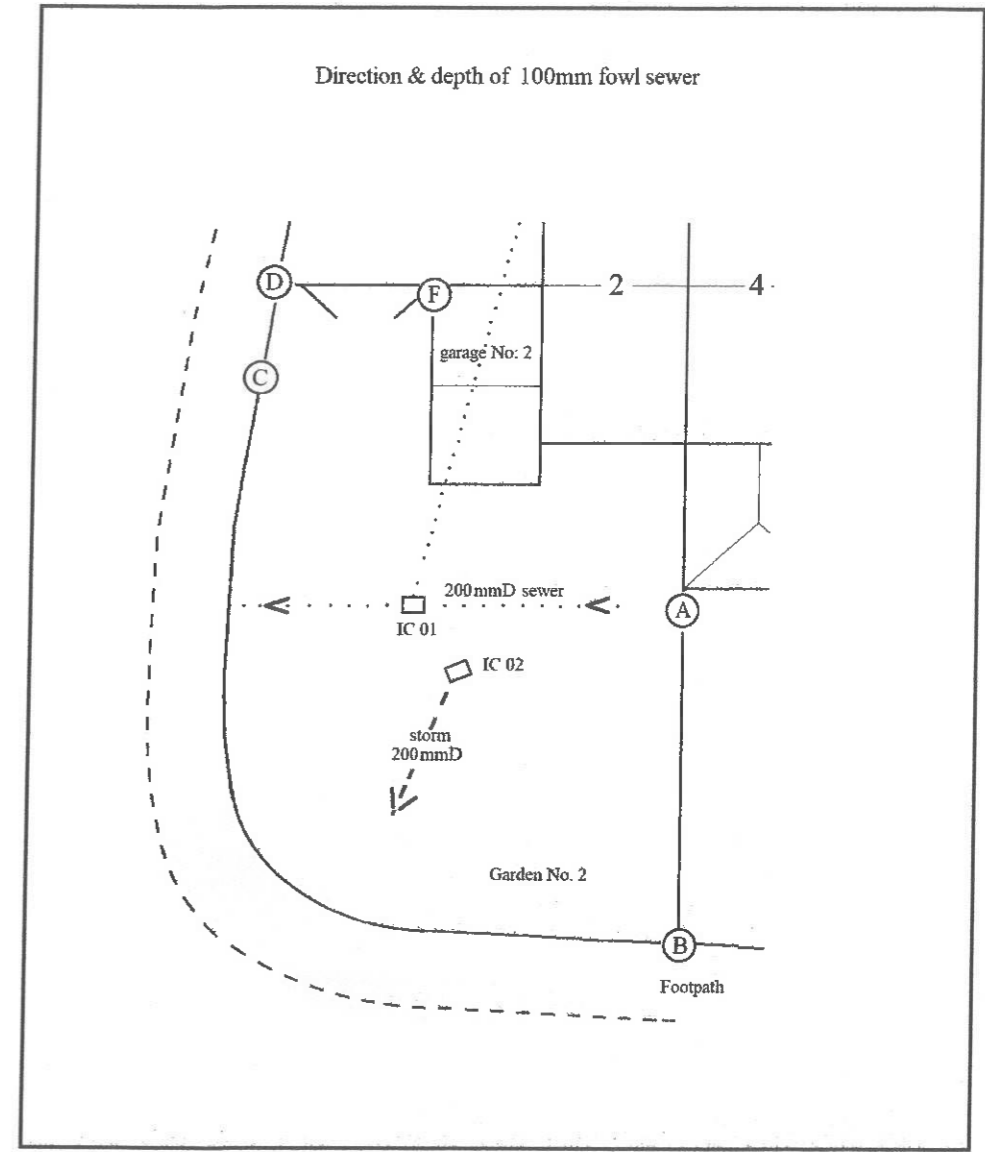
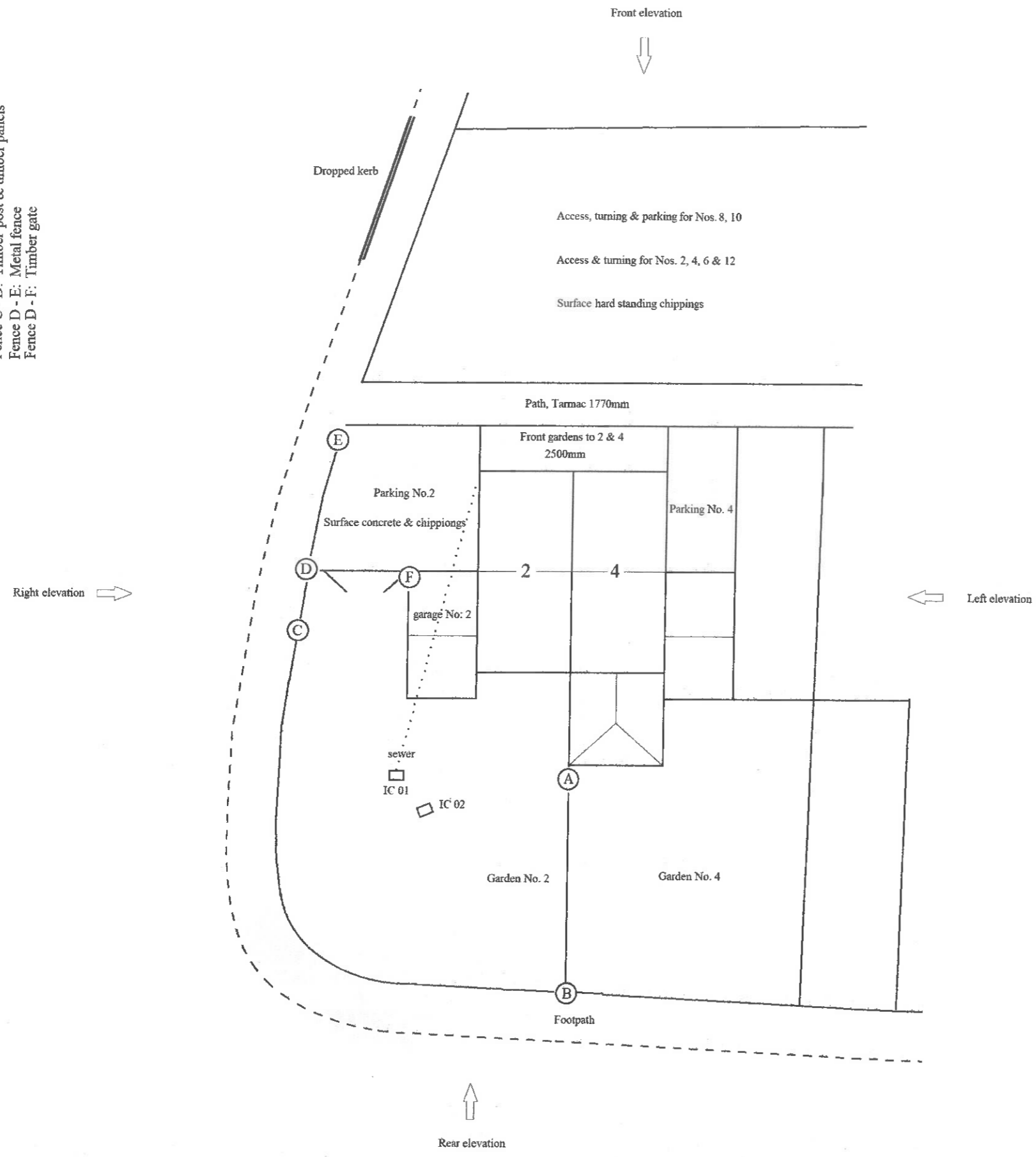
- IC 01: Inspection chamber, soil, 100mm salt glaze
- IC 02: Inspection chamber, storm, 100mm salt glaze
- Fence A - B: Concrete post & timber panels
- Fence B - C: Concrete post & timber panels
- Fence C - D: Timber post & timber panels
- Fence D - E: Metal fence
- Fence D - F: Timber gate



Existing site plan indicating elevations: 1260 / 070 RevB

Legend:

- IC 01: Inspection chamber, soil, 100mm salt glaze
- IC 02: Inspection chamber, storm, 100mm salt glaze
- Fence A - B: Concrete post & timber panels
- Fence B - C: Concrete post & timber panels
- Fence C - D: Timber post & timber panels
- Fence D - E: Metal fence
- Fence D - F: Timber gate



Proposal: Demolish the attached garage to No.2 and build an attached two bedroom house referred to as No.2A, within the existing residential curtilage of No.2

Site address: 2 Brookethorpe Close, Gloucester, GL4 0LJ

Client: [REDACTED]

Scale (@ A3: 1 : 200 $\frac{1}{0 \ 1 \ 2 \ 3 \ 4} m$)

David Mills Planning Services: 12 Sarnedge Rd., Coleford, Glos., GL16 8BU

E: pawbleadney@aol.com

Off: 01594 810637 M: 07526 240333

Date: 21 Mar 2021

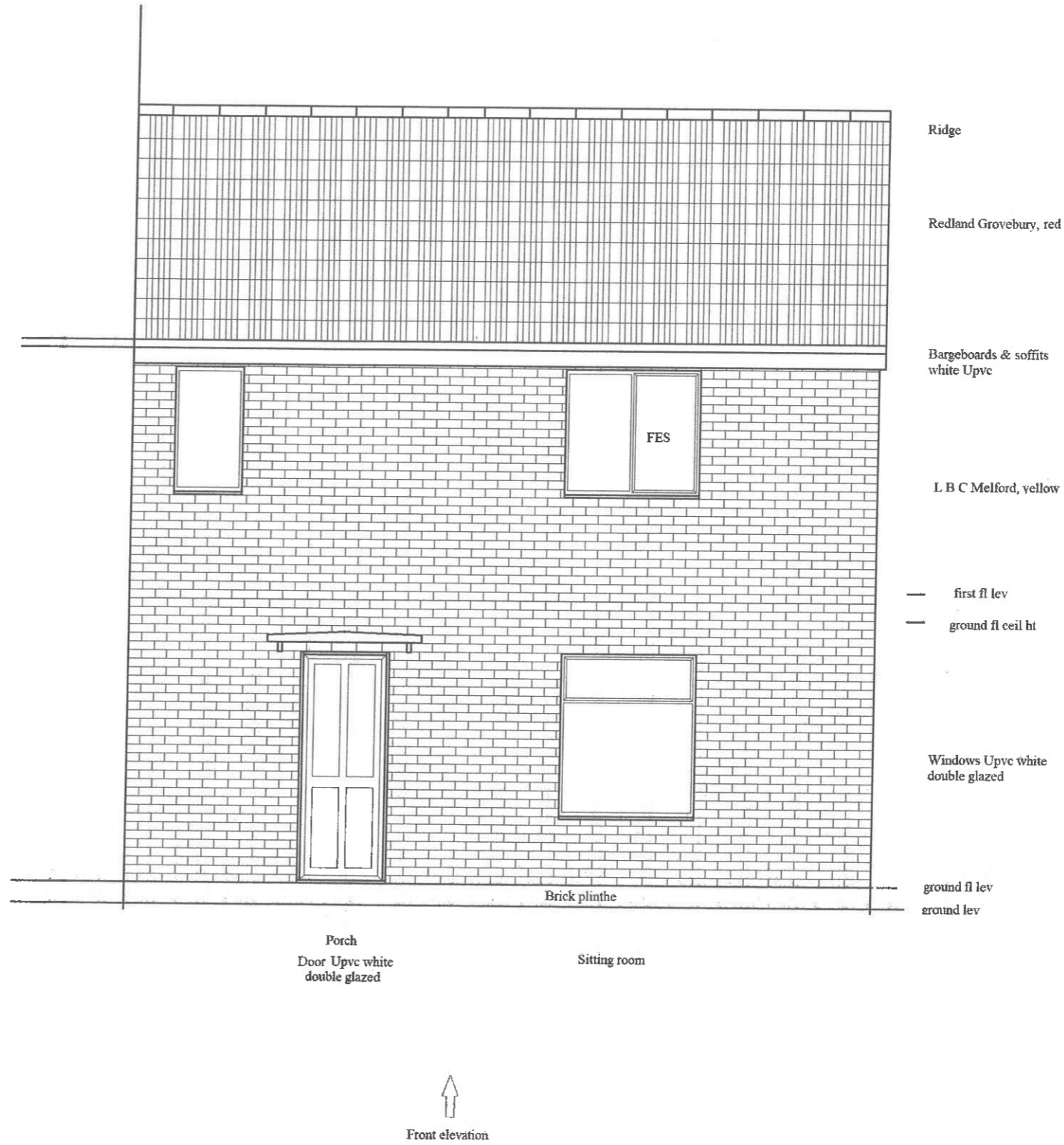
Copyright: David Mills Planning Services. No liability for boundary inaccuracies is accepted. Dimensions levels and angles to be checked by contractor on site. Responsibility is not accepted for errors made by others in scaling from this drawing. Where applicable you are reminded of your responsibilities under the Party Wall Act 1996

Legend:

- F E S: Fire escape window
- S V P: Soil vent pipe
- O B S: Obscure glass
- B F: Balanced flue
- C B: Cupboard
- A C: Airing cupboard
- W D: Wardrobe

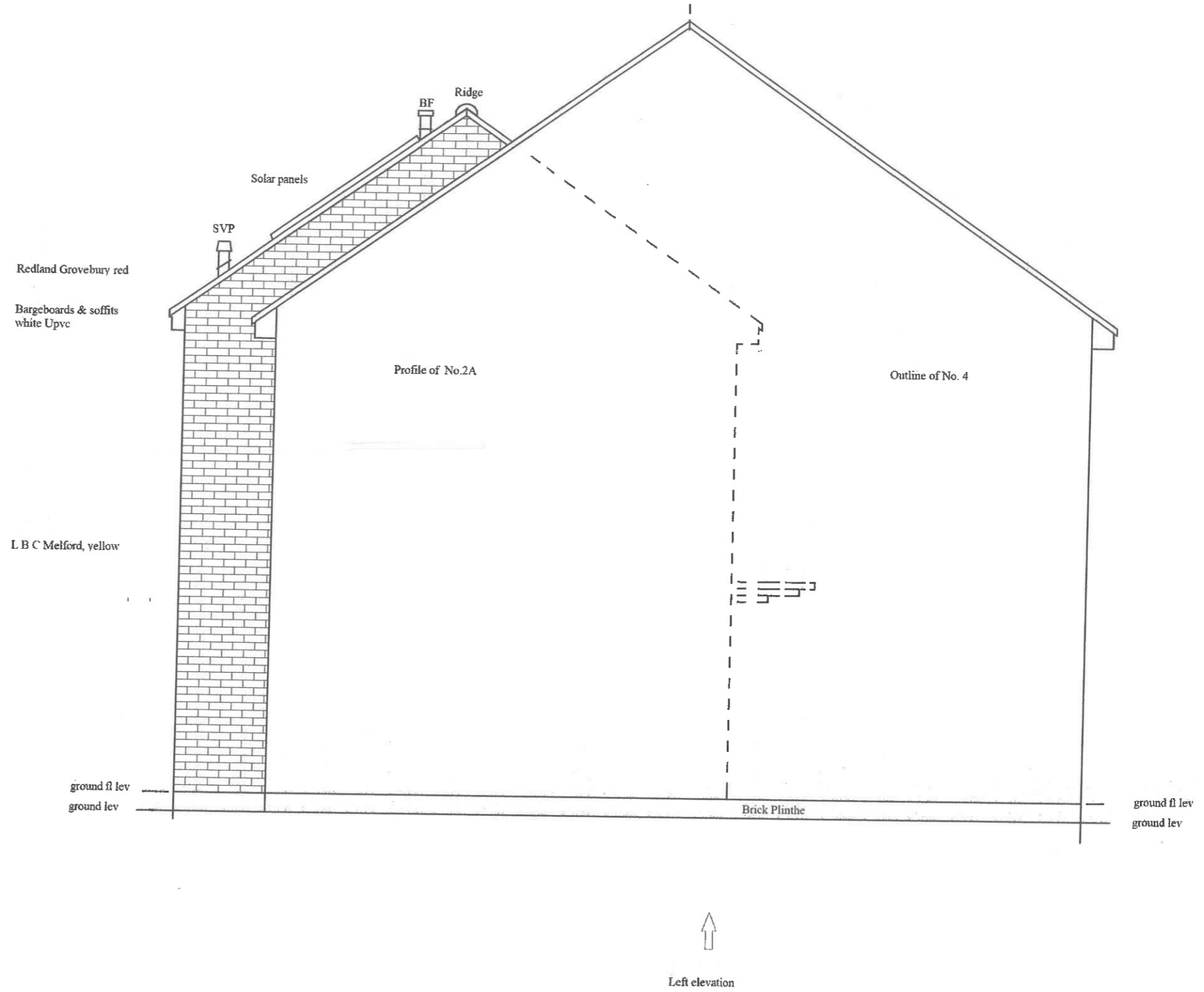
Left elevation →

Outline of No. 2



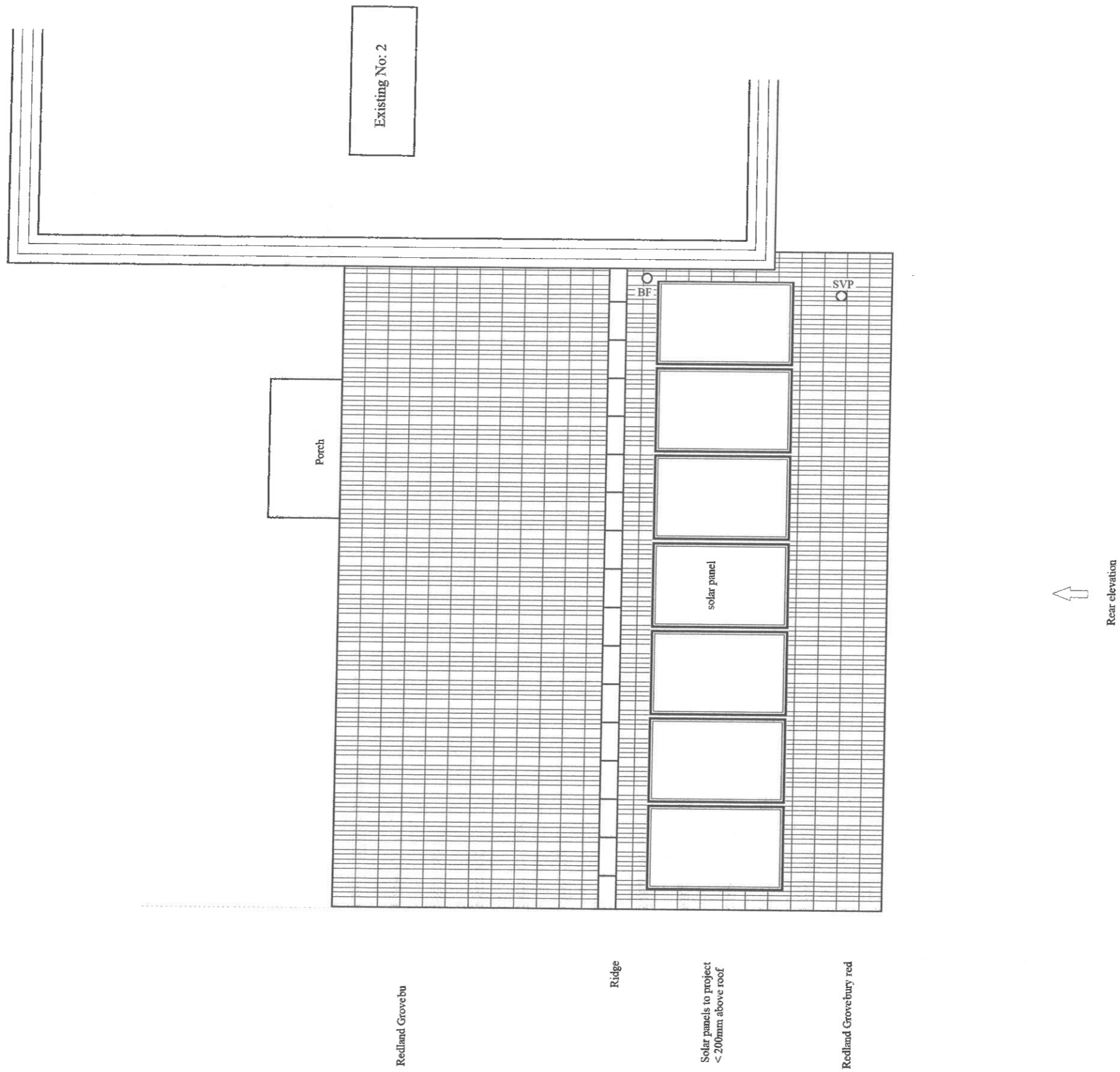
Legend:

- FE S: Fire escape window
- SVP: Soil vent pipe
- OB S: Obscure glass
- BF: Balanced flue
- CB: Cupboard
- AC: Airing cupboard
- WD: Wardrobe



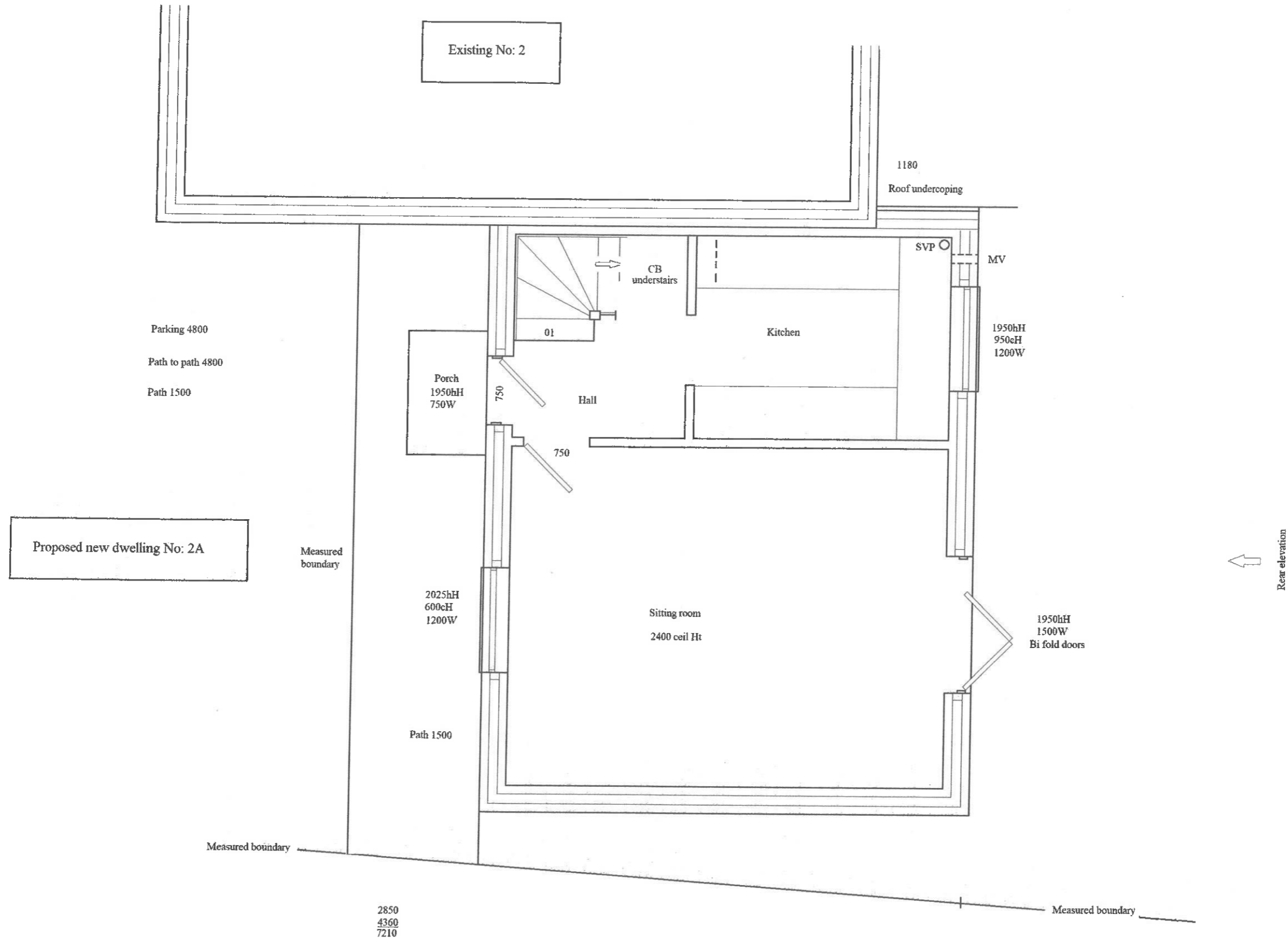
Legend:

- FE S: Fire escape window
- SVP: Soil vent pipe
- OB S: Obscure glass
- BF: Balanced flue
- CB: Cupboard
- AC: Airing cupboard
- WD: Wardrobe



Legend:

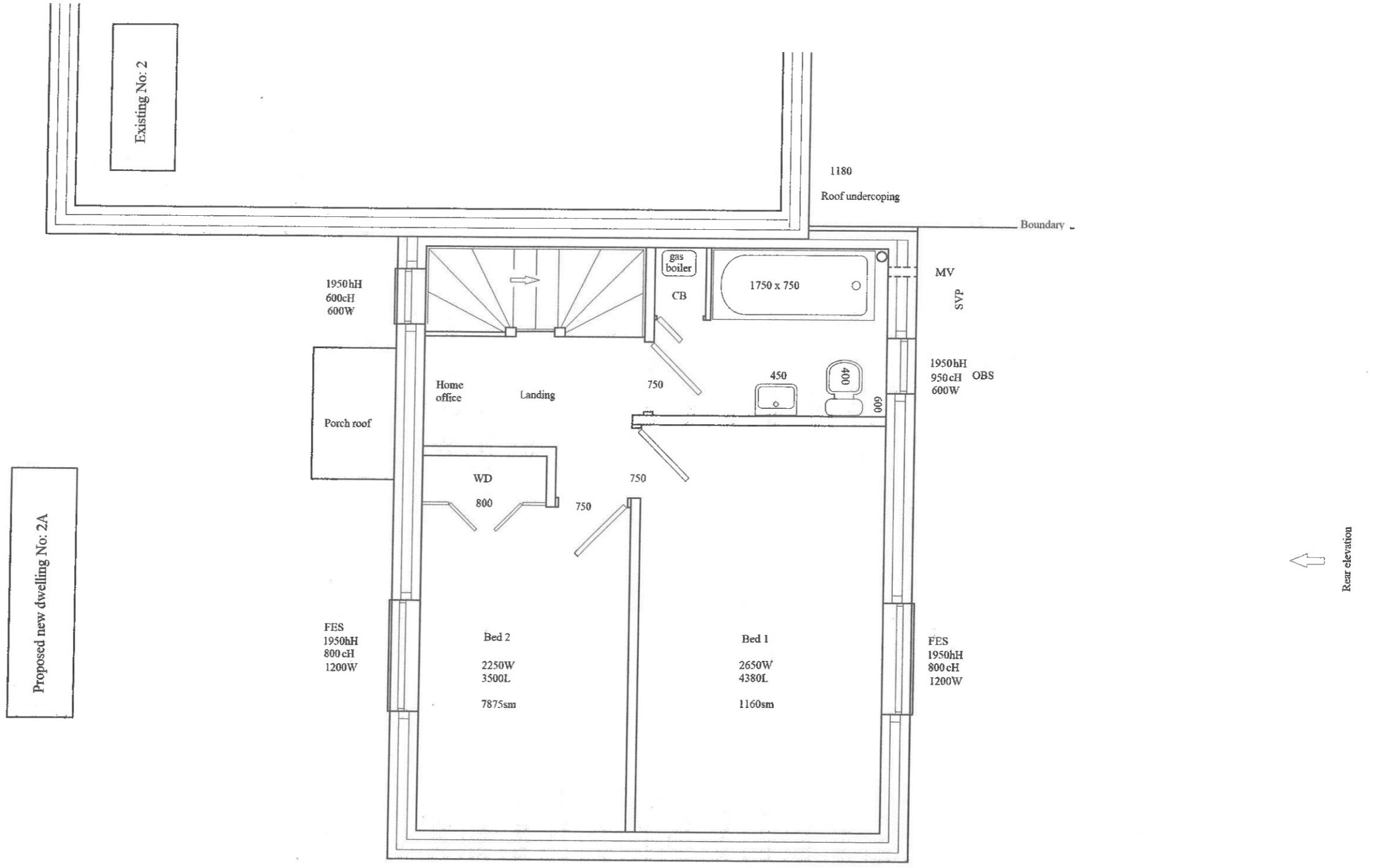
- F E S: Fire escape window
- S V P: Soil vent pipe
- O B S: Obscure glass
- B F: Balanced flue
- C B: Cupboard
- A C: Airing cupboard
- W D: Wardrobe



2850
4360
7210

Legend:

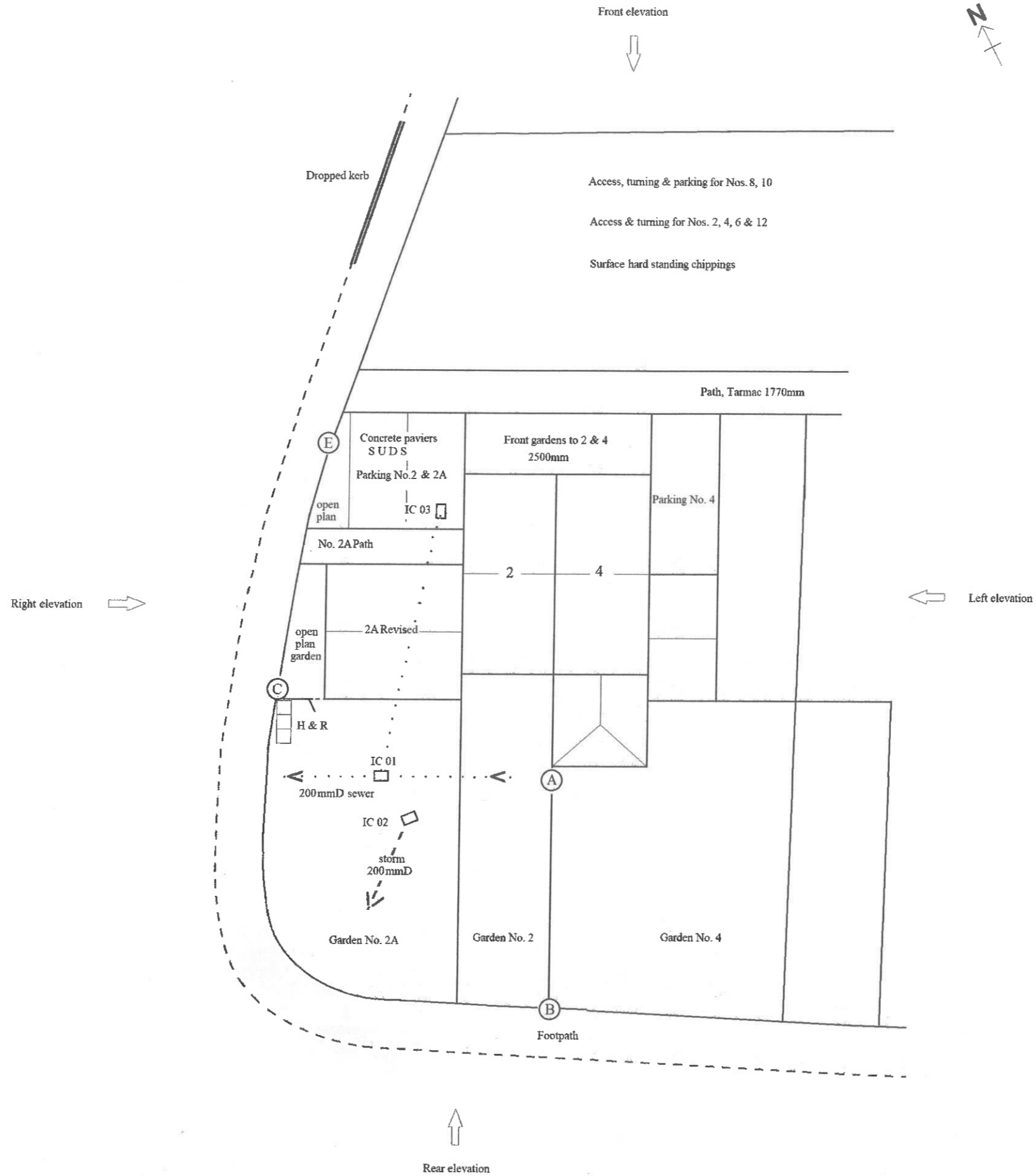
- F E S: Fire escape window
- S V P: Soil vent pipe
- O B S: Obscure glass
- B F: Balanced flue
- C B: Cupboard
- A C: Airing cupboard
- W D: Wardrobe



Proposed site plan indicating elevations: 1260 / 075RevB

Legend:

- H & R: Household & recyclable waste containers
- IC 01: Inspection chamber, soil, 100mm salt glaze
- IC 02: Inspection chamber, storm, 100mm salt glaze
- Fence A - B: Concrete post & timber panels
- Fence B - C: Concrete post & timber panels
- Fence C - E: Open plan



Proposal: Demolish the attached garage to No.2 and build an attached two bedroom house referred to as No.2A, within the existing residential curtilage of No.2

Site address: 2 Brookethorpe Close, Gloucester, GL4 0LJ

Client: [REDACTED]

Scale @ A3: 1 : 200

David Mills Planning Services: 12 Sarnedge Rd., Coleford, Glos., GL16 8BU

E: pawbleadney@aol.com

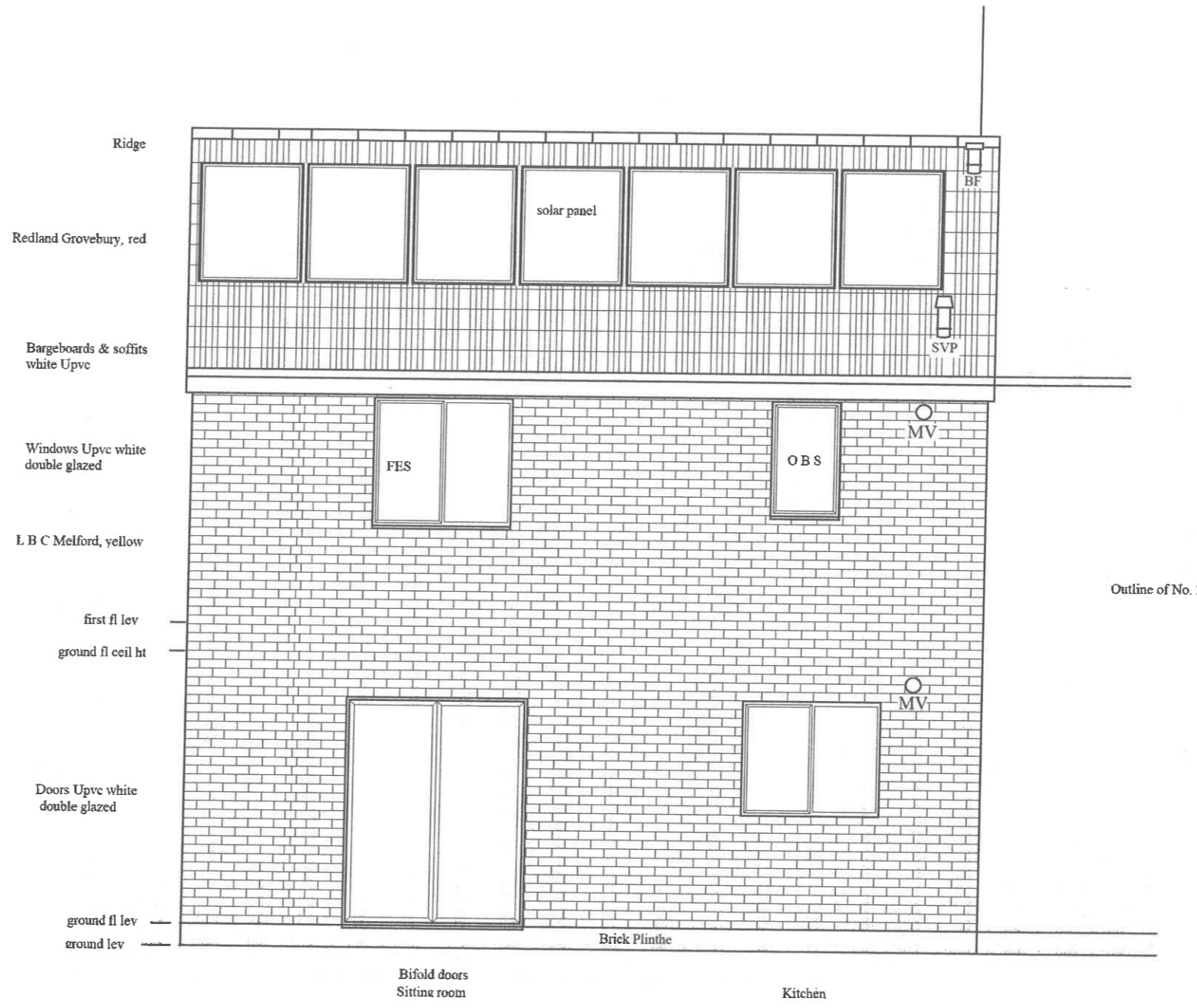
Off: 01594 810637 M: 07526 240333

Date: 21 Mar 2021

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Legend:

- F E S: Fire escape window
- S V P: Soil vent pipe
- O B S: Obscure glass
- B F: Bargeboard
- C B: Cupboard
- A C: Airing cupboard
- W D: Wardrobe



Outline of No. 2

↑
Rear elevation