

## 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/22/3312401**

#### A. APPELLANT DETAILS

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

Name

Mr W Godsell

Address

10 Podsmead Place  
GLOUCESTER  
GL1 5PD

Preferred contact method

Email  Post

#### B. AGENT DETAILS

Do you have an Agent acting on your behalf?

Yes  No

Name

Mr David Addison

Company/Group Name

AddisonRees Planning Consultancy Ltd

Address

Room 14F, Restdale House  
32/33 Foregate Street  
WORCESTER  
WR1 1EE

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

22/00148/FUL

Date of the application

15/03/2022

Did the LPA validate and register your application?

Yes  No

Did the LPA issue a decision?

Yes  No

Date of LPA's decision

04/11/2022

#### D. APPEAL SITE ADDRESS

Is the address of the affected land the same as the appellant's address? Yes  No

Does the appeal relate to an existing property? Yes  No

Address

Land adjacent to 7, 7a Conduit Street  
Gloucester  
Grid Ref Easting: 383618  
Grid Ref Northing: 217667

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

If YES, please state below the revised wording

Proposed construction of a 1 bed dwelling on land adjacent to 7 and 7a Conduit Street

Please attach a copy of the LPA's agreement to the change.

see '[Appeal Documents](#)' section

Area (in hectares) of the whole appeal site [e.g. 1234.56] 0.01 hectare(s)

Area of floor space of proposed development (in square metres) 53 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 David Addison

**Date**

02/12/2022 13:41:42

**Name**

Mr David Addison

**On behalf of**

Mr W Godsell

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:

<b>Relates to Section:</b>	DESCRIPTION OF DEVELOPMENT
<b>Document Description:</b>	A copy of the LPA's agreement to the change.
<b>File name:</b>	C1 Decision Notice - 2200148FUL.pdf
<b>Relates to Section:</b>	FULL STATEMENT OF CASE
<b>Document Description:</b>	A copy of the full statement of case.
<b>File name:</b>	A2 Appeal Statement.pdf
<b>File name:</b>	D1 Email Chain with LPA.pdf
<b>File name:</b>	D2 Appeal Decision 3296510.pdf
<b>Relates to Section:</b>	FULL STATEMENT OF CASE
<b>Document Description:</b>	A separate list of appendices to accompany your full statement of case
<b>File name:</b>	A0 List of Appendices.pdf
<b>Relates to Section:</b>	SUPPORTING DOCUMENTS
<b>Document Description:</b>	01. A copy of the original application sent to the LPA.
<b>File name:</b>	B1 Application Form.pdf
<b>Relates to Section:</b>	SUPPORTING DOCUMENTS
<b>Document Description:</b>	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.
<b>File name:</b>	C1 Decision Notice - 2200148FUL.pdf
<b>File name:</b>	C2 Delegated Decision Report.pdf
<b>Relates to Section:</b>	SUPPORTING DOCUMENTS
<b>Document Description:</b>	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.
<b>File name:</b>	B2 Existing Site Location Plan.pdf
<b>Relates to Section:</b>	SUPPORTING DOCUMENTS
<b>Document Description:</b>	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.
<b>File name:</b>	B3 Amended Proposed Block Plan.pdf
<b>File name:</b>	B2 Existing Site Location Plan.pdf
<b>File name:</b>	B4 Amended Ground Floor Plan.pdf
<b>File name:</b>	B5 Amended First Floor Plan.pdf
<b>File name:</b>	B6 Amended Elevations.pdf
<b>File name:</b>	B7 Amended Street Scene.pdf
<b>File name:</b>	B8 Existing Solar Study.pdf
<b>File name:</b>	B9 Proposed Solar Study.pdf
<b>File name:</b>	B10 Design and Access Statement.pdf

<b>File name:</b>	B11 Photos.pdf
<b>File name:</b>	B12 Superseded Block Plan.pdf
<b>File name:</b>	B13 Superseded Ground Floor Plan.pdf
<b>File name:</b>	B15 Superseded Elevations.pdf
<b>File name:</b>	B14 Superseded First Floor Plan.pdf
<b>File name:</b>	B17 Superseded Proposed Sections.pdf
<b>File name:</b>	B16 Superseded Site Plan.pdf
<b>File name:</b>	B18 Superseded Street Scene.pdf
<b>File name:</b>	B19 Superseded 3D Images.pdf
<b>Relates to Section:</b>	SUPPORTING DOCUMENTS
<b>Document Description:</b>	05.b. A list of all plans, drawings and documents (stating drawing numbers) submitted with the application to the LPA.
<b>File name:</b>	A0 List of Appendices.pdf
<b>Completed by</b>	MR DAVID ADDISON
<b>Date</b>	02/12/2022 13:41:42

## Document A0

### List of Appendices

<b>Appendix</b>	<b>Document</b>
A1	Appeal Form
A2	Appeal Statement
B1	Application Form
B2	Existing Site Location Plan
B3	Proposed Block Plan
B4	Proposed Ground Floor Plan
B5	Proposed First Floor Plan
B6	Proposed Elevations
B7	Proposed Street Scene
B8	Existing Solar Study
B9	Proposed Solar Study
B10	Design & Access Statement
B11	Photos
B12	Block Plan – Superseded
B13	Ground Floor Plan – Superseded
B14	First Floor Plan – Superseded
B15	Elevations – Superseded
B16	Site Plan – Superseded
B17	Sections – Superseded
B18	Street Scene – Superseded
B19	3D Images - Superseded
C1	Decision Notice
C2	Delegated Decision Report
D1	Email Chain with LPA
D2	Appeal Decision 3296510



## **Document A2**

### **Appeal to the Secretary of State**

#### **Against the:**

**Refusal of planning permission for proposed  
construction of a 1 bed dwelling**

**Location:** Land adjacent to 7, 7a Conduit Street

**LPA:** Gloucester City Council

**LPA Reference:** 22/00148/FUL

### **Written Statement of Appeal**

December 2022

## 1.0 Introduction

1.1 AddisonRees has been instructed by Mr Godsell to appeal against the refusal issued by Gloucester City Council (hereafter referred to as the LPA) of an application for planning permission as described below:

*‘Proposed construction of a 1 bed dwelling on land adjacent to 7 and 7a Conduit Street’*

1.2 The application was made valid by the LPA on 15<sup>th</sup> March 2022 and subsequently given the reference 22/00148/FUL.

1.3 The planning application was determined under delegated officer powers. The decision notice was issued by the LPA on 4<sup>th</sup> November 2022, a copy of which can be found in Appendix C1, and confirmed the reasons for refusal of the application as set out below:

1) *“The proposed dwelling due to the limited site on which it would be located, its proposed scale and siting in context with neighbouring properties would result in a cramped and awkward development that would harm the character and appearance of the site and the surrounding area. The cramped appearance of the development would be further exacerbated by the poor level of garden space being retained for 7a Conduit Street and garden space proposed for the new dwelling contrary to the NPPF and policy SD4 of the Gloucester, Cheltenham and Tewkesbury Joint Core Strategy (2017).”*

2) *“The proposed development would have a harmful overshadowing and overbearing impact on the very limited amount of outdoor amenity space retained at 7a Conduit Street and would impact outlook for 7a Conduit Streets side facing windows contrary to the NPPF and policy SD14 of the Gloucester, Cheltenham and Tewkesbury Joint Core Strategy (2017).”*

3) *“The proposal would result in a two storey building being located close to the boundary with 33 Regent Street and would therefore result in harmful levels of overbearing and overshadowing for this neighbouring properties private amenity garden space contrary to the NPPF and policy SD14 of the Gloucester, Cheltenham and Tewkesbury Joint Core Strategy (2017).”*

4) *“The proposal would result in poor living conditions for future occupants. The proposal would not meet national space standards for a 1 bedroom, 2 person dwelling. Additionally, the proposal includes only a very limited amount of garden space which is considered poor for a dwelling of this size. The side facing windows of the existing dwelling at 7a Conduit Street would harmfully overlook the proposed garden space. Contrary to the NPPF and policy SD14 of the Gloucester, Cheltenham and Tewkesbury Joint Core Strategy (2017).”*

1.4 We request that the appeal is determined via the ‘written representations’ procedure, which is the most appropriate in this case with reference to Annex K of the ‘Planning Appeals – England Procedural Guide’.

1.5 All documents relating to this appeal and the original application have been referenced and clearly set out within an attached 'List of Appendices', Appendix A0.

## 2.0 Development Proposal and Site History

2.1 The site consists of the existing redundant parcel of land between existing residential properties on Conduit Street in Gloucester. As can be appreciated in the aerial photograph below, the site is surrounded by neighbouring residential properties, located in an established central residential area of Gloucester.



2.2 The site has been empty for a number of years and subject to on-going fly-tipping, as reported by in the Gloucester News, extracts below, and as seen in the email chain (Appendix D1).



*'It has become a hotspot for fly-tipping'*



*'People have dumped litter and debris at the overgrown site'*

2.3 The proposals sought to provide a suitable use for the redundant parcel of land, to construct a single two-storey, one-bed dwelling on the site. The proposed dwelling would incorporate an open plan kitchen/living room at ground floor level, with a single bedroom, bathroom and study at first floor level. A private garden, predominately to the side of the dwelling, is proposed, to include suitable areas for the storage of bins and bicycles. The proposed dwelling would be finished in a red brick finish with slate roof, to harmonise with the adjoining properties.

2.4 Having originally been submitted as a two-bed dwelling, the proposals were amended during the course of the application process, and it was based on the amended plans for a one-bed dwelling that the LPA based their decision on.

2.5 A previous planning application, reference 20/00154/FUL for the construction of a dwelling on the site was refused on the following three grounds:

*1. The proposal due to its siting, form and design would result in a single storey dwelling which would appear cramped within its boundary. The proposal would fail to respond positively to the character of properties within the area in terms of layout, design and scale and would consequently result in unacceptable harm to the character and appearance of the area*

*2. The proposal would provide a poor amount of outdoor amenity space for future residents which would be unacceptably overlooked by the north facing windows at 7a Conduit Street. Additionally, the dwelling, given the positioning of windows, would result in a poor level of light and outlook for future occupants*

*3. The proposal would result in a poor level of garden space for the existing dwelling at 7a Conduit Street which would have an unacceptable impact on the living conditions of residents at this property*

2.6 The property is not listed, located in what could reasonably be described as the setting of any listed building or a conservation area. Furthermore, the site is not located in the Green Belt or subject to any specific landscape designation. The site is located within the established residential area of Gloucester.

### **3.0 Planning Policy**

3.1 The development plan consists of the Gloucester Cheltenham and Tewkesbury Joint Core Strategy, adopted in December 2017. The Gloucester City Plan is currently under review and yet to be adopted.

3.2 The most relevant policies within the BDP applicable to this appeal are considered to be policies SP1; SP2; SD3; SD4; SD6; SD9; SD10; SD11 and SD14. The LPA's reasons for refusal only refers to policies SD4 and SD14 of the core strategy.

3.3 Policy SP1 confirms that during the plan period, provision will be made to meet the need for approximately 35,174 new homes, of which 14,359 new homes will be within Gloucester.



3.4 Policy SP2 confirms that to support their economic roles as the principal providers of jobs, services and housing, and in the interests of promoting sustainable transport, development will be focused at Gloucester and Cheltenham. To meet the needs of Gloucester City, the core strategy makes provision for 13,287 new homes within the Gloucester City administrative boundary, of which 832 new homes will come from windfall allowance, such as this proposed development.

3.5 Policy SD4 sets out a wide range of principles for delivering high quality design. The proposed dwelling has been specifically designed to respond to the site characteristics, and harmonise with the appearance and finish of the neighbouring properties, and wider built environment. The proposals would constitute a high quality design, and retain the character of the local area. As this was a policy cited by the LPA in their reasons for refusal, this will be discussed in more detail in the section below. Notably the LPA confirm within their Delegated Decision Report (Appendix C2) that *“The design of the dwelling proposed is considered appropriate in the context of the surrounding area.”*

3.6 Policy SD10 confirms that new housing as infill within the existing built up areas of Gloucester will be permitted, and should seek to achieve maximum density. The proposals see to reuse a redundant parcel of land between existing residential properties, constituting sustainable infill development that would represent an efficient use of land that reflected local density levels. As confirmed by the LPA in their Delegated Decision Report *“Policy SD10 of the JCS allows for infilling within the existing built up areas of the City Gloucester. In terms of the broad principles of development, the site is within the built up area of the City, is in a sustainable location for residential use and would contribute to housing supply. As the site is located within the built up area of the city, the principle of development is considered acceptable.”*

3.7 Policy SD11 seeks for developments to provide a range housing types and sizes, including an identified need to provide accommodation suited to younger age groups and first-time buyers throughout the plan period.

3.8 Policy SD14 seek to provide high quality development that protects and seeks to improve environmental quality, where development should not create or exacerbate conditions that could impact on human health or cause health inequality. As this policy was cited by the LPA in their reasons for refusal, it shall be discussed in more detail in the section below.

3.9 Notably the LPA on refer to policies SD4 and SD14 in their reasons for refusal, and do not raise policies SP1, SP2, SD3, SD6, SD9, SD10 or SD11 as a concern, accepting that the proposed development would comply with such.

3.10 It is highlighted that the LPA cannot demonstrate a 5 year housing land supply, as reported and accepted by the LPA in recent appeal decision APP/U1620/W/22/3296510, a copy of which can be found in Appendix D2. As reported in paragraph 60 of the Inspector’s decision, even taking the most optimistic scenarios, the maximum housing land supply that the LPA can demonstrate is 4.41 years. As such, paragraph 11 d) of the NPPF is engaged, and the presumption in favour of sustainable development applies. The LPA also acknowledge this in their Delegated Decision Report (Appendix C2) stating *“At the time of writing, the Council is not able to demonstrate a 5 year housing land*

supply. For the purpose of this application and in the context of paragraph 11 of the NPPF, including footnote 8, the ‘tilted balance’ is engaged.”

3.11 No statutory consultee raised any objection to the proposed development. The Highway Authority commented that *“The site is in a very sustainable location with good access to public transport and all required amenities accessible within an acceptable walk or cycle distance. The existing walking, cycling and public transport infrastructure would therefore entirely support a ‘car free’ development in this location . . . No concerns regarding impact to highway network.”*

#### **4.0 Response to Reasons for Refusal and Report**

4.1 This section will comment on both the reason for refusal, as well as the LPA’s Delegated Decision Report (Appendix C2), which provides further background information as to the reasons for refusal.

##### Refusal Reason 1

4.2 The LPA’s first reason for refusal claims that *“the proposed dwelling due to the limited site on which it would be located, its proposed scale and siting in context with neighbouring properties would result in a cramped and awkward development that would harm the character and appearance of the site and the surrounding area”*.

4.3 This is somewhat of a contradiction in the LPA’s consideration of the proposals, given that the LPA confirm in their Delegated Decision Report that *“The design of the dwelling proposed is considered appropriate in the context of the surrounding area.”*

4.4 The LPA in their Delegated Decision Report claim that *“The proposal therefore given its positioning in relation to 7a Conduit Street, the minimal amount of garden space retained for 7a Conduit Street and the very limited area of garden space for the proposed dwelling would be unacceptable in terms of layout and design and would result in the over development of the site appearing both cramped and awkward within the street scene.”*

4.5 The garden space for 7a Conduit Street doesn’t change as part of these proposals. The application site is currently a redundant parcel of land in between existing residential properties, which have established boundaries to the site. The position of the proposed dwelling in relation to Conduit Street is acceptable as confirmed by the LPA within their Delegated Decision Report when discussing the set back nature of the property from the street scene and the installation of front dwarf wall being in character with the surrounding built development.

4.6 The LPA’s first reason for refusal also claims that *“the cramped appearance of the development would be further exacerbated by the poor level of garden space being retained for 7a Conduit Street and garden space proposed for the new dwelling.”* As above, the existing garden space for no. 7a doesn’t change as part of these proposals. Should this appeal fail, the garden space for no. 7a would still remain as existing.

4.7 The LPA's Delegated Decision Report claims that *"The dwelling would occupy a large portion of the site and given the constraints of this small site, the proposal would be unable to provide private amenity garden space to the rear which is at odds with the character of properties along the street. A small area of outside space is proposed to the side of the site which would include a small, grassed area and bin and cycle storage. However, the size of the garden area proposed is very limited. Additionally, the proposal would result only a very limited garden area being retained for 7a Conduit Street, again highlighting the cramped and over developed nature of this proposal."*

4.8 The proposed garden space provided in association with the dwelling is commensurate in scale to the small one-bed property. Notably there is no policy requirement designating minimum sizes of residential garden. Indeed, emerging Policy A1 of the Gloucester City Plan requires development to *"provide outdoor amenity space and garden space at a level that reflects the character of the area and the scale of the development"*. The proposed garden area provides both grassed and hardstanding areas; areas for the storage of bins; areas for the storage of cycles; and is commensurate to the scale of the proposed one-bed dwelling. The proposed garden area would provide suitable outdoor amenity to the future occupiers of the property, including space for the drying of clothes. It is highlighted that the size of the rear garden space is not perceivable from any public vantage point. The garden sizes and types vary considerably at the existing properties along Conduit Street. As shown in the aerial photographs below, there are numerous existing properties in the locality with either side gardens fronting Conduit Street, and much smaller gardens, both physically and commensurately, than that provided under these proposals given that this is only a one-bed property. The proposed dwelling and associated garden size would harmonise with the varied character of built form in the locality.



## Refusal Reason 2

4.9 The LPA's second reason for refusal claims that *"the proposed development would have a harmful overshadowing and overbearing impact on the very limited amount of outdoor amenity space retained at 7a Conduit Street and would impact outlook for 7a Conduit Streets side facing windows."*

4.10 The proposed dwelling would be sited to the north of no. 7a Conduit Street. As such, the proposed development, designed to reflect the proportions of the existing neighbouring properties to the north, would not result in any overshadowing of the existing residential property no. 7a, which is located to the south of the appeal site. This is also demonstrated in the submitted Solar Study images (Appendix B9).

4.11 On the 17<sup>th</sup> May 2022, the appellant's agent confirmed to the LPA that *"My Client has confirmed that The first-floor window of 7a is used for wardrobe space"*, as can be appreciated in the email chain found in Appendix D1.

4.12 The 'outlook' from no. 7a's side windows is currently of a close boarded fence at ground floor level, and a blank side wall of the neighbouring property at first floor level. These 'outlooks' would not change.

4.12 The LPA's delegated decision report claims that the proposal *"would also likely have some impact on outlook for the side facing windows"* Notably the LPA's claims are only a 'likely', and 'some' impact. As above, the existing outlook of these windows in the neighbouring property would not change. The proposed dwelling is set off from the southern site boundary, and the garden area of neighbouring property no. 7a, which includes an existing close boarded fence, offering no 'views' or outlook from the ground floor side opening in no. 7a.

## Refusal Reason 3

4.13 The LPA's third reason for refusal claims that *"the proposal would result in a two storey building being located close to the boundary with 33 Regent Street and would therefore result in harmful levels of overbearing and overshadowing for this neighbouring properties private amenity garden space."*

4.14 Policy SD14 states that development proposals should not create or exacerbate conditions that could impact on human health or cause health inequality, and provides a list of 8no. criteria that developments would be assessed against. Of this, it is reasonably considered that the LPA are only referring to the first criteria, in terms of development causing 'no unacceptable harm to local amenity including the amenity of neighbouring occupants.'

4.15 LPA's Delegated Decision Report claims that *"The proposal for a two storey dwelling located so close to the boundary with no. 33 regent street would have an unacceptable impact in terms of overbearing and overshadowing to the properties (sic) rear garden space contrary"*. The proposed



dwelling would be located to the north-west of part of no. 33's outdoor amenity area, and therefore, given the natural path of the sun, would not result in overshadowing.

4.16 The application submission included a Solar Study (Appendices B8 and B9) which demonstrated that the proposed development would not have any discernible impact in terms of overshadowing to any neighbouring property. It should also be noted that these Solar Studies were based on the original, larger house designs, with the amended designs, on which the LPA made their decision, having a further reduced impact.

4.17 The proposed dwelling has been designed to not only reflect the surrounding built environment, but also incorporate a pitched roof, to reduce the overall bulk of the dwelling and minimise any perceived overshadowing or overbearing concerns. Unlike the existing neighbouring properties, the proposed dwelling is set off from the boundary of this neighbouring outdoor area.

#### Refusal Reason 4

4.18 The LPA's fourth reason for refusal claims that *"the proposal would result in poor living conditions for future occupants. The proposal would not meet national space standards for a 1 bedroom, 2 person dwelling. Additionally, the proposal includes only a very limited amount of garden space which is considered poor for a dwelling of this size. The side facing windows of the existing dwelling at 7a Conduit Street would harmfully overlook the proposed garden space."*

4.19 The proposed one-bed dwelling incorporates a large open plan living room / dining room / kitchen at ground floor level, with large bathroom (including bath and separate shower), a bedroom and a small study at first floor level. Notably the national space standards do not include a figure for a 1 bed, 1 person two-storey property, but given that an equivalent single storey property requires 39 sq.m, the proposed dwelling would provide suitable amenity space for future occupiers, both internally and externally.

4.20 Policy SD11 seeks for developments to provide a range housing types and sizes, including an identified need to provide accommodation suited to younger age groups and first-time buyers throughout the plan period. The proposed dwelling would specifically be suitable for a first-time buyer, who would otherwise be unable to get on the property ladder.

4.21 First floor windows of local properties overlook to varying degrees, the outdoor amenity area of neighbouring properties. That is an established relationship in a dense residential area such as that of the appeal site and locality. As an example, the existing neighbouring properties to the immediate north of the appeal site all have direct views of their neighbour's rear gardens from the first floor windows in the rear elevation of the properties. In this case, the boundary treatments of the site would offer a degree of privacy to the outdoor amenity area associated with the proposed dwelling.

4.22 The LPA's Delegated Decision Report claims that *"The proposal includes only a very limited amount of garden space which is considered to be poor for a dwelling of this size."* As above, there is

no minimum policy garden size requirement. The proposal is for a single small one-bed dwelling, and the associated outdoor amenity area is commensurate to that, and allows for suitable amenity space, for sitting out, drying of clothes etc, as well as specific storage space for cycles and bins.

4.23 The LPA's conclusion of their Delegated Decision Report is that *"Whilst the proposal would have some benefit in that it would make a small contribution to the city's housing land supply, the problems of the proposal are considered to outweigh the benefits."*

4.24 This is considered an incorrect misreading of national policy by the LPA. The LPA claim that the matters raised would collectively outweigh the benefits of the proposed development and therefore the application should be refused. However, paragraph 11 d) is clear, that planning permission should be granted unless ii) any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole. The LPA have not claimed that the claimed adverse impacts of the proposals would significantly outweigh the benefits, and therefore in accordance with paragraph 11 d), planning permission should have been granted.

4.25 To be clear, as set out above, the proposals are considered to fully accord with the development plan, and therefore in accordance with paragraph 11 c) of the NPPF permission should have been granted for the development. However, if any potential harm is considered, then this is clearly not of such significant level to outweigh the benefits of the proposals, including the contribution towards the existing housing land supply deficit, in accordance with paragraph 11 d) of the NPPF.

4.26 Paragraph 8 of the NPPF sets out the three dimensions to sustainable development – economic, social and environmental objectives. The proposed development's contribution to each of these three objectives, and thus the benefits of the proposals, is discussed below.

4.27 Economic role – the site represents the 'right type' of land, available in the 'right place' and at the 'right time' to support residential infill development in an area deemed acceptable for new housing development being located wholly within the identified settlement boundary. As with any new residential development proposal, the construction of the dwelling would provide local jobs in associated trades necessary to ensure the efficient and sustainable development of the scheme, in particular supporting a local small housebuilder and associated local supply chains. In addition to this, the proposals would provide a New Homes Bonus contribution to the council, together with on-going Council Tax revenues. The proposals would contribute positively to this objective.

4.28 Social role – the proposed development would provide residential accommodation which would help meet the housing needs of the present and future generations, in particular within a sustainable location surrounded by existing residential development, and help the council with its current housing land supply deficit. The proposed dwelling would be suitable for a first-time buyer, which is an identified housing requirement in the city. Furthermore, the proposals would provide a

high-quality and safe built environment, and stop the on-going fly-tipping that the site has endured. The proposals would contribute positively to this objective.

4.29 Environmental role – the proposed development can be delivered without harm to the natural environment. The development would not result in the loss of the most versatile agricultural land. Furthermore, the proposed development would help to minimise pollution and adapt to a climate change including moving to a low carbon economy by introducing residential development in a sustainable location where access to a range of services and facilities is achievable by means other than the private car. The proposed development would preserve and enhance the surrounding built and natural environment, and can lead to an improvement in biodiversity habitat. The proposals would contribute positively to this objective.

## **5.0 Conclusion**

5.1 This appeal concerns a proposal for the construction of a single one-bed dwelling on an existing redundant parcel of land that has been subject to on-going fly-tipping. The proposals are wholly in accordance with the adopted development strategy, being located within the identified city boundary, in a sustainable location for new residential development.

5.2 The proposals would provide a high quality built development, and would not pose any detrimental impact to any neighbouring property; highway safety; site drainage; or site ecology. The application therefore accords with policies contained in the development plan.

5.3 In light of the above we would respectfully request that the appeal is allowed, and permission is granted for the development.