
Appeal Decisions

Site visit made on 11 May 2016

by Anne Jordan BA (Hons) MRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 16 May 2016

Appeal Ref: APP/B1605/D/16/3146354

45 Church Street, Charlton Kings, Cheltenham, GL53 8AT

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mrs Kirsten Kitson against the decision of Cheltenham Borough Council.
 - The application Ref 15/01712/FUL, dated 22 September 2015, was refused by notice dated 21 December 2015.
 - The development proposed is to remove existing UPVC framed double glazed conservatory at back of property and erect a two storey extension comprising ground floor sun lounge and, on first floor, an ensuite shower room to serve existing bedroom 1 together with an additional bedroom. All external materials to match existing.
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Decision

1. The appeal is allowed and planning permission is granted for removal of existing conservatory and erection of a two storey extension at 45 Church Street, Charlton Kings, Cheltenham, GL53 8AT in accordance with application ref 15/01712/FUL, dated 22 September 2015 and the plans submitted with it, and subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than three years from the date of this decision.
 - 2) The development hereby permitted shall be carried out in accordance with the following approved plans: 2015-KK-001, 2015-KK-002 and 2015-KK-003.
 - 3) The materials to be used in the construction of the external surfaces of the extension hereby permitted shall match those used in the existing building.

Procedural Matters

2. The Council altered the description of development. As this accurately and more succinctly describes the development proposed, I have also used this description of development.
 3. The adjoining dwelling at 10 School Road is a Grade II listed building. The site also lies within the St Mary's Conservation Area.
 4. Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 states that in considering whether to grant planning permission for development which affects a listed building or its setting, the decision maker shall have special regard to the desirability of preserving the building or its
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setting or any features of special architectural or historic interest which it possesses. S72(1) of the Act requires special attention to be had to the desirability of preserving or enhancing the character and appearance of a Conservation Area.

Main Issues

5. Accordingly, the main issues for the appeal are:

- Whether the proposal would preserve or enhance the character or appearance of the St Mary's Conservation Area and whether it would preserve the setting of the Grade II Listed 10 School Road.
- The effect of the proposal on the living conditions of the adjoining residential occupiers at 10 School Road.

Reasons

Character and Appearance

6. Charlton Kings evolved from a rural village and these origins are reflected in the character and appearance of the St Mary's Conservation Area and the buildings and spaces in it. Properties differ in age and style and in how they address the road, providing an attractively varied streetscene. 45 Church Street is a modest cottage which has been extensively altered. It has been extended to the rear with a large 2 storey addition, a UPVC conservatory, and a further single storey extension which sits to the side of the dwelling. It is unusual in that it does not have a road frontage although the front and side profile of the building is visible in glimpses from Church Street. A view of the rear of the property is available from the car park of the Merryfellows Public House where only the upper section of the building is visible, and is partly obscured by trees in all but close range views. The dominant element of the building when viewed from the car park is the large 2 storey rear addition.
7. The appeal proposal comprises the removal of the single storey conservatory which sits to the rear of the property and its replacement with a two storey pitched roof addition. This would project to the rear, alongside the existing 2 storey addition, reaching marginally beyond the existing rear building line. The Council have expressed concerns that the proposal would result in the loss of the original form of the building. I accept that the form of the addition would normally be incompatible with the modest scale of the original cottage. However, the original building has already been extensively altered and its original simple form is now only evident in the limited views of the property which do not include the later additions. These views, to the front of the dwelling, would be unaltered by the proposal.
8. In available views of the rear of the building, the proposed extension would be viewed alongside the larger two storey addition to the rear. In this context the proposal would not appear overly large or prominent, or detract from the buildings existing appearance. It follows that, taking into account the very limited impact it would have on the wider streetscene, it would preserve the character and appearance of the St Mary's Conservation Area.
9. The appeal property sits alongside 10 School Road, which is a Grade II listed building. This is a much larger property with a larger curtilage. It is 2 ½ storeys high and has a striking steeply pitched roof which provides an

attractive gabled end on the front façade. It is timber framed and although much altered is listed as dating back to the late 15th or early 16th century. Its significance lies in the age of some of its structure and in the contribution the building makes to the streetscene. The property sits relatively close to 45 Church Street but sits back from the road frontage in established gardens which provide an open view of the property from School Road. This gives a pleasing contrast in the otherwise dense urban fabric elsewhere along the road. The appeal proposal, would be clearly visible from some parts of the adjoining property, but would be apparent in very limited shared views, where it would not intrude upon the space provided by the front and rear garden. It would therefore not have a harmful effect upon its setting or upon its significance as a heritage asset.

10. I therefore conclude that the proposal would preserve the character of the St Mary's Conservation Area and would not harm the significance of the adjoining listed building. I am therefore satisfied that the proposal would not conflict with the aims expressed in the *National Planning Policy Framework* (The Framework) of conserving heritage assets in a manner appropriate to their significance or the statutory duties defined in the Act. I also find no conflict with policy CP7 of the *Cheltenham Borough Local Plan* (Local Plan) which seeks development which would not cause harm to the architectural integrity of the building and complements the character of the locality.

Living Conditions

11. The proposed extension would be located close to the boundary with the adjoining No 10 School Road which has a glazed side addition sitting near to the common boundary. This provides a sitting and dining area and is open to the kitchen. The Council and the adjoining occupier have expressed concerns that the scale of the proposed addition would be overbearing when experienced within this room, and within the space outside. I noted when within 10 School Road that it had a view of the existing flank elevation and similarly, when upstairs within the appeal property I had an unobscured view directly into the adjoining dwelling from the landing window and through the roof of the glazed addition.
12. It is therefore clear to me that given the existing intimate relationship between the dwellings, the addition would increase the visibility and presence of the adjoining building, diminishing the outlook available to some degree. Nevertheless, the extension would only occupy part of the available views from the glazed space and although very apparent, it would not be so close as to be overbearing. Furthermore, the room also enjoys outlook from the rear window which faces over the rear garden. The proposal would not therefore detract from the overall quality of the space to such a degree that it would impact on living conditions.
13. The extension would sit to the south of the adjoining dwelling. Having regard to the height of the existing two storey addition at the appeal property and the location and proximity of trees within the Merryfellow's Car Park, I do not consider that the proposed extension would lead to a significant reduction in the light available to 10 School Road.
14. These factors lead me to the view that the proposal would not significantly harm the amenity of occupiers of 10 School Road. I therefore find no conflict with

policy CP4 of the Local Plan which seeks to protect the amenity of residential occupiers, or with guidance in the Framework which has similar aims.

Conclusion and Conditions

15. The proposal would preserve the character and appearance of the St Mary's Conservation Area and would preserve the setting of 10 School Road. It would also not detract from the living conditions of nearby residential occupiers. I therefore conclude that the appeal be allowed.
16. I have considered whether any conditions are necessary. Other than the standard time condition, it is necessary to require the development is built in materials which reflect the character of the conservation area. Furthermore, for the avoidance of doubt and in the interests of proper planning, a condition requiring that the development is carried out in accordance with the approved plans is imposed.

Anne Jordan

INSPECTOR