

Appeal Decision

Site visit made on 31 August 2016

by David Walker MA MRTPI

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

Decision date: 22 September 2016

Appeal Ref: APP/F1610/W/16/3148484

Heather Bank, Hunter's Way, Andoversford, Cheltenham, Glos GL54 4PH

- 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 Mr and Mrs Graham Cox against the decision of Cotswold District Council.
 - The application Ref 15/0592/FUL, dated 26 November 2015, was refused by notice dated 3 March 2016.
 - The development proposed is a new bungalow in divided plot.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues in the appeal are the effect of the proposal on the character and appearance of the area, and the effect of the proposal on the living conditions of future occupants with regard to the adequacy of the outside living space.

Reasons

3. Heather Bank is located at a peripheral position within the village and features a long front garden with trees and shrubs extending towards Station Road. In conjunction with the extensive frontages of adjacent properties and the undeveloped area directly opposite, I find the area in the vicinity of the appeal site to have a verdant and semi-rural quality. The appeal site also falls within the Cotswold Area of Outstanding Natural Beauty (AONB) where I have a duty to conserve and enhance the natural beauty of the area.
 4. The bungalow would be positioned within a plot formed from the forward-most part of the existing garden. It would require the removal of an existing willow tree and shrubs and would be positioned close to the stream. Parking for two cars could be provided in a private lay-by parallel with Hunter's Way, with ramped and stepped access to the dwelling to accommodate the change between the lower levels of the site and the highway above.
 5. Although the proposal would retain some of the planting of the appeal site it would not be completely screened to view. Within the semi-rural context I have identified the introduction of a further dwelling and its associated parking and access infrastructure would have an urbanising effect. Such a pattern of development within the undeveloped frontages of the village would appear incongruous and be harmful to the character and appearance of the area.
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6. I acknowledge that the property known as 'The Bungalow' on the opposite side of Hunter's Way has two dwellings located in front of it but have no evidence before me that these were provided within a front garden. Moreover, I find there to be a different character to the village at this side of Hunter's Way as a result of development along both sides of Station Road and shorter frontages.
7. The harm that I have identified would conflict with the requirements of saved Policy 42 of the Cotswold District Local Plan 2006 (the Local Plan) that requires development to be designed in a manner that respects the character, appearance and local distinctiveness of the area with regard to setting, harmony and street scene, amongst other matters. I find saved Policy 42 to be consistent with the Government's objectives for achieving good design as set out within paragraphs 56, 57 and 61 of the National Planning Policy Framework (the Framework).
8. However, the harmful effects I have identified would not amount to harm to the natural beauty of the AONB as the proposal would be only a small-scale development within the wider built up area of the village. I am satisfied therefore that the landscape and scenic beauty of the AONB would be conserved for the purposes of paragraph 115 of the Framework.
9. Turning to living conditions. With a large amount of the proposed plot being used for access and car parking, the majority of the usable garden area would be provided to the other side of the stream, accessed over existing bridges. While I am mindful that not all occupants require a large garden, this part of the proposal would be immediately adjacent to the footway along Station Road where it would be readily overlooked by passers-by. The proposed garden would not provide the private outdoor living space required by saved Policy 46 of the Local Plan without the need for intrusive screen fences. It would also give rise to conflict with paragraph 17 of the Framework that seeks to secure a high standard of amenity for all future occupiers of land and buildings.
10. In reaching my findings I acknowledge that the proposal would help to meet a need for properties suitable for older people and would be well located for access to a range of local facilities, including a shop with post office, village hall, pub, and a range of transport options. While undoubtedly weighing in favour of the proposal these would not outweigh the conflict with the policies of the Local Plan and Framework I have identified.
11. I also acknowledge other matters raised by interested parties. In relation to car parking, the proposed lay-by arrangement would be entirely within private land and I have no technical evidence of harm for this to weigh heavily against the scheme. My attention has also been brought to the potential for restrictive covenants that may affect the appeal site, but as these do not fall within the remit of the Planning Acts they are not before me for consideration.

Conclusion

12. For the reasons given above, and with regard to the development plan read as a whole, I conclude that the appeal should be dismissed.

David Walker

INSPECTOR