

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/16/3152610

**Windrush View, Lansdowne, High Street, Bourton-on-the-Water,
Gloucestershire GL54 2AT**

- 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 B Harris against the decision of Cotswold District Council.
 - The application Ref 16/00569/FUL, dated 1 February 2016, was refused by notice dated 31 March 2016.
 - The development proposed is erection of single storey dwelling.
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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 nearby residents and future occupants with regard to privacy, noise and disturbance, and proximity.

Reasons

3. The proposal would be located on part of an extended garden to the rear of properties fronting Lansdowne and where it benefits from an independent access between Windrush View and Leadenwell House. Planning permission¹ exists at the appeal site for a detached three car garage that has yet to be erected.
4. Although the proposed dwelling would be smaller overall than the approved garage, it would be a materially different design of masonry construction, tiled roof and casement windows. It would have the appearance of a dwelling and while not easily seen from the highway would be readily apparent from the numerous properties along Green Lake Close that are in close proximity. Conversely, the garage building would be an ancillary domestic structure with a lightweight appearance resulting from a timber construction with two open bays and a single enclosed garage.
5. With the existing houses in the vicinity fronting onto their respective highways the introduction of a new dwelling at this backland position would be a clear departure from the pattern of development and appear incongruous. I

¹ Planning application Ref 15/04089/FUL

acknowledge that tall boundary enclosures around the appeal site would provide some screening from neighbouring properties, but these would not completely obscure the development.

6. Moreover, a new dwelling at the appeal site would give rise to comings and goings, night time lighting, and general noise and activity from the residential occupation of the land that would amount to a more intensive level of usage of the land than an outbuilding. It would fundamentally change the character of the area, to a harmful degree. I am mindful that the approved garage could also give rise to increased levels of activity but have not been provided with any evidence of the likelihood of this for it to weigh heavily in favour of the proposal.
7. The harm to the character and appearance I have identified would result in conflict with the requirements of saved Policies 18 and 42 of the Cotswold District Local Plan 2006 (the Local Plan) to cause no significant adverse environmental or visual harm to the site or its surroundings, and to respect character and appearance, amongst other things. Although the Local Plan pre-dates the publication of the National Planning Policy Framework (the Framework) I find saved Policies 18 and 42 to broadly accord with the thrust of the Government's design objectives set out at paragraphs 56 and 64 of the Framework. With regard to the advice contained at paragraph 215 of the Framework therefore I have no reason to afford these policies of the Local Plan any reduced weight.
8. With regard to the location of the appeal site within the Cotswold Area of Outstanding Natural Beauty (AONB), however, I am satisfied that as the proposal would amount to a minor development within a built up area that the purpose of AONB designation to conserve and enhance the natural beauty of the area would not be prejudiced. The landscape and scenic beauty of the AONB would accordingly be conserved by the proposal.
9. Turning to living conditions. The intensification of use and associated activity I have identified would create noise and disturbance that would be harmful to the private enjoyment of rear gardens for existing neighbours. I acknowledge that improvements to the access surfacing would deliver noise reduction benefits but these would not outweigh the potential for general disturbance at an otherwise quiet location. Such harm to the living conditions of the existing occupants of adjoining properties as I find would conflict with the requirements of saved Policy 46 of the Local Plan for new residential developments to ensure adequate private outdoor living spaces.
10. I am satisfied, however, that the proposal would have no greater effect on the degree of enclosure experienced at adjoining properties as a result of its proximity, than that which would be presented by the approved garage. The single storey height of the proposal and tall boundary enclosures would also prevent any unacceptable direct overlooking from arising.
11. In making my determination, I am mindful that the proposal would be at a location with good access to local services and a range of transportation options. It would also deliver an additional small dwelling to the local housing market. With regard to the appeal decisions provided to me², however, I have no conclusive evidence of a current poor supply of deliverable housing sites in

² Appeals Refs APP/P1133/A/11/2158146 and APP/U4230/A/11/2157433

the area. Even if there were a shortfall in the five-year supply of the scale suggested by the appellant the adverse impacts of granting permission would significantly and demonstrably outweigh the benefits.

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