
Appeal Decision

Site visit made on 1 November 2016

by Stephen Hawkins MA MRTPI

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

Decision date: 15th December 2016

Appeal Ref: APP/B1605/W/16/3157252

Pine Lodge, 100 Hatherley Lane, Cheltenham GL51 6SH

- 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 Robert Wakefield against the decision of Cheltenham Borough Council.
 - The application Ref 16/00805/FUL, dated 29 April 2016, was refused by notice dated 24 June 2016.
 - The development proposed is described as a *"new two bedroom retirement bungalow/starter home rear of 100 Hatherley Lane, Cheltenham GL51 6SH"*.
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Decision

1. The appeal is dismissed.

Procedural Matter

2. The appellant submitted a plan showing a revised turning bay arrangement with the appeal. This would not represent a material change to the application considered by the Council. The Council have had an opportunity to comment on the revised plan. Consideration of the revised plan would not disadvantage any other interested parties. Therefore, I have taken the revised plan into account in my decision.

Main Issues

3. The main issues are:
 - Whether the proposal would be inappropriate development in the Green Belt.
 - The effect of the proposal on the openness of the Green Belt.
 - The effect on highway safety conditions, having regard to the vehicle access arrangements.
 - The effect on the character and appearance of the area.
 - Whether the harm by reason of inappropriateness, and any other harm, would be clearly outweighed by other considerations. If so, whether this would amount to the very special circumstances required to justify the proposal.
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Reasons

4. 'Pine Lodge' is a modern two storey dwelling of substantial size, in a generous plot. The appeal site is broadly triangular and is situated behind the formal garden of the existing dwelling, at the end of a narrow track.

Whether inappropriate development

5. The appeal site is located just outside the town's Principal Urban Area, in an area of scattered residential development which forms part of the Gloucester and Cheltenham Green Belt. While I note the appellant's view that the area does not have the characteristics of Green Belt, it is defined as such in the Development Plan. Paragraph 89 of the National Planning Policy Framework (the Framework) advises that, apart from a limited list of exceptions, new buildings are inappropriate in the Green Belt. None of the exceptions listed in paragraph 89 would apply in relation to the proposal. I am aware that the appellant refers to other developments that have taken place nearby, but I have very limited evidence on the nature of these.
6. Consequently, the proposal would amount to inappropriate development in the Green Belt. At paragraph 87, the Framework states that inappropriate development is, by definition harmful to the Green Belt and should not be approved except in very special circumstances. Furthermore, the proposal would not fall within any of the exceptions listed in Policy CO6 of the adopted Cheltenham Borough Local Plan (LP) for which permission would be granted for new buildings in the Green Belt.

Effect on openness

7. Paragraph 79 of the Framework advises that openness is an essential characteristic of the Green Belt. Outbuildings currently occupy part of the appeal site. However, the proposed dwelling would have a substantially larger footprint, increased height and more substantial overall bulk in comparison with those structures. All of these matters would cause a significant degree of harm to the openness of the Green Belt.

Highway safety

8. Following demolition of a garage in the front garden, the existing vehicular access to 'Pine Lodge' from Hatherley Lane would be widened to form an access to the appeal site, utilising an existing dropped kerb. At this point, Hatherley Lane is a dual carriageway. The access would be angled at approximately 45 degrees to the carriageway. Railings in the centre of the road already preclude right turn manoeuvres.
9. However, on the basis of the information I have been provided with, the access would not be easily manageable for vehicles approaching from the south along Hatherley Lane, intending to access the appeal site. Vehicles would have to negotiate the sharply angled arrangement of the access to the highway as well as a road sign and a lighting column on the highway in close proximity. Approaching vehicles are therefore likely to have to slow down and cross into the second lane of the dual carriageway to undertake a sharp turn in order to enter the appeal site in line with the access and to avoid the highway furniture. Performing such a complex manoeuvre is likely to bring vehicles into conflict with other road users. During my site visit, I observed the volume, nature and speed of the traffic travelling north on Hatherley Lane, which included buses

from the adjacent Park & Ride site. Nothing of what I saw convinced me that the vehicle manoeuvres associated with the proposed access arrangements could be accommodated without causing unacceptable harm to highway safety.

10. There would be space within the appeal site for vehicles to enter and leave it in forward gear and levels of visibility from the proposed access would not appear to be inadequate. Nevertheless, for the reason I have identified above the proposal would not accord with LP Policy TP1, as it would involve altering an access and increasing its use where it would be hazardous to highway users and would therefore endanger highway safety. Furthermore, the proposal would be inconsistent with Section 4 of the Framework as it would not achieve a safe and suitable access to the site for all people.

Character and appearance

11. The appeal site has a secluded character, owing to its location set back from the road behind the existing dwelling and the presence of mature trees and shrubs along the boundaries with the neighbouring property and the Park & Ride site.
12. The existing dwelling has a suburban appearance and there is a mix of buildings of different styles, ages and scale in the vicinity. As a result of its simple design, the proposed dwelling would have a rather unassuming appearance. However, when taken together with its modest scale and overall height, the result would be that the proposed dwelling would have a subordinate relationship with 'Pine Lodge,' not dissimilar to that of an ancillary outbuilding. Having regard to its location, the proposed dwelling would also be open to very limited views in the street scene. Overall in my view the design and appearance of the proposed dwelling would not be significantly out of place in its surroundings.
13. The Council were also critical of the attractiveness of the environment created around the proposed dwelling due to extensive hardsurfacing. However, the revised plan submitted by the appellant would reposition the parking and turning area from in front of the principal elevation to alongside the proposed dwelling. In turn, this would allow for the creation of a softer and more attractive setting to the proposed dwelling in terms of its amenity space, which would also be more reflective of the character of its surroundings.
14. For the above reasons, I find that the proposal would not cause unacceptable harm to the character and appearance of the area. Therefore, the proposal would accord with LP Policy CP 7, as it would achieve a high standard of design for its setting.

Other considerations

15. Significant weight arises against the proposal in the light of its inappropriateness in the Green Belt, the harm to Green Belt openness and harm to highway safety. Whilst I have found that there would not be unacceptable harm to the character and appearance of the area, no positive weight arises from any particular benefits in this regard. Nor were any specific benefits identified by the appellant, but I note the Council, in their planning officer's report, identified that they could not at that time demonstrate a five year housing land supply. The proposal would result in one additional house, and although I note the appellant refers to it as a potential starter or

retirement property, there is no mechanism by which this could be ensured. Nonetheless, on the basis of the information before me, any limited weight I can give to the proposal would not clearly outweigh the harm I have identified. As a result, very special circumstances do not exist in this case.

Conclusion

16. The proposal would not accord with the Development Plan and it would be inconsistent with the Framework. For the reasons given above I conclude that the appeal should be dismissed.

Stephen Hawkins

INSPECTOR