

Appeal Decision

Site visit made on 23 January 2017

by Jonathan Manning BSc (Hons) MA MRTPI

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

Decision date: 06 February 2017

Appeal Ref: APP/B1605/D/16/3165361

64 Church Road, Leckhampton, Cheltenham, Gloucestershire, GL53 0PR

- 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 Rhodri Sutton against the decision of Cheltenham Borough Council.
 - The application Ref 16/01402/FUL, dated 2 August 2016, was refused by notice dated 22 September 2016.
 - The development proposed is first floor side/rear extension over existing ground floor with small two storey element.
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Decision

1. The appeal is dismissed.

Procedural Matter

2. The parties have referred to a number of previous planning applications on the appeal site, including several appeals. However, I have not been provided with the previous appeal decisions for all of these or any substantive details about the previous proposed developments, such as drawings. In any event, I am mindful that each proposal must be considered on its own merits and I have determined the appeal on this basis.

Main Issues

3. The main issues of the appeal are the effect of the proposal: on the character and appearance of the host dwelling; and on the living conditions of the occupants of the neighbouring property No 66 Church Road.

Reasons

Character and appearance

4. The appeal site lies on Church Road and accommodates a two-storey semi-detached cottage. The appeal property has been extended in the past. This includes a full width two storey rear extension which extends in the region of 3 metres past the original dwelling. There is also a single storey rear extension from this, which projects a further 4.6 metres and extends beyond the side elevation by around 1.7 metres. A small single storey lean to is also located to the side of the property. The wider area is largely residential.
 5. Policy CP7 of the Cheltenham Borough Local Plan Second Review (2006) (the LP) seeks to ensure that developments are of high quality design and complements and respects neighbouring development. In addition, the
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Council's Supplementary Planning Document – Residential Alterations and Extensions (2008) (the SPD) sets out within its five basis design principles that an extension should not dominate or detract from the original building, but play a 'supporting role' (Section 2). I see no reason why the SPD should not carry significant weight.

6. The proposal consists of the construction of a first floor side/rear extension over the existing ground floor extension, with a small two storey element. This would result in a significant full width two-storey extension that would extend past the rear elevation of the original dwelling by some 6.1 metres, with a further 1.5 metres at single storey height. It would also extend outside of the original footprint of the dwelling to the side by some 1.7 metres. Due to the location of the vehicular access, the side elevation of the dwelling is prominent in the street scene.
7. The proposed extension would be deeper than the original footprint of the house and in effect would double it in size. Due to this, the excessive depth of the proposed two-storey element of the proposed extension and that the two-storey element would step outside of the side elevation of the host dwelling, I consider that its scale would not appear subservient to the main dwelling house. Further, the proposed extension would be so large in scale that it would detract from the character and appearance of the existing dwelling and would not represent high quality design.
8. I accept that the rear of the existing property does not have a cohesive appearance, as a result of the previous extensions. However, I am not of the view that this offers sufficient justification for a proposal that would be demonstrably harmful in its own right.
9. In conclusion on this matter, whilst the proposal would utilise acceptable external materials to match the host dwelling, the scheme by virtue of its scale would not appear subservient to the appeal property and would be overly dominant. It would cause harm to the character and appearance of the host dwelling and this would be visible from the road. The scheme therefore conflicts with Policy CP7 of the LP and the guidance provided in the SPD.

Living conditions

10. The adjoining semi-detached property No 66, has a rear facing window serving a habitable room at ground floor level that lies in between its own rear extension and the existing rear extension of the appeal property. The appellant has provided a drawing that demonstrates that the existing rear extension results in the window of No 66 failing the commonly used '45 degree' test and currently restricts daylight and sunlight to the window. Whilst this is noted, the proposal would result in two-storey development extending approximately 3 metres further beyond the rear elevation of No 66 than the existing two-storey section of the rear extension (some 6.1 metres in total). I acknowledge that the proposal has sited the pitched roof element of the proposed extension away from the boundary with No 66. However, even with a flat roof adjacent to this boundary the proposal would nonetheless still extend built development at two-storey height substantially further beyond that which currently exists. I am in little doubt that this would further reduce the amount of daylight and sunlight that would be able to reach the rear ground floor window of No 66. I agree with the Council that this would make an already undesirable position even worse.

11. For the same reasons, I also consider that the proposal would have an unacceptably overbearing and oppressive effect on the occupants of No 66, particularly when viewed from the rear ground floor window, causing harm to their living conditions.
12. Given the above findings, I consider that the proposal would cause harm to the living conditions of the occupants of No 66, through the further loss of daylight and sunlight to the ground floor rear window serving a habitable room, as well as being unacceptably overbearing and oppressive. The scheme therefore runs contrary to policy CP4 of the LP, which ensures that proposals do not cause unacceptable harm to the amenity of adjoining land users.
13. I acknowledge that the proposal has been amended to try and overcome the concerns expressed by previous Inspectors in relation to such matters. However, I have considered this proposal on its own merits.
14. Whilst not part of the reason for refusal, the Council has raised concern with regard to the proposed French doors. However, as I am dismissing the appeal on other grounds, this matter has not had a significant bearing on my decision.

Conclusion

15. For the reasons set out above and having regard to all other matters raised, the appeal is dismissed.

Jonathan Manning

INSPECTOR