
Appeal Decision

Site visit made on 14 February 2017

by Rory Cridland LLB (Hons), Solicitor

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

Decision date: 21st March 2017

Appeal Ref: APP/B1605/W/16/3164009

101 Shurdington Road, Gloucestershire, Cheltenham GL53 0JQ

- 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 P Dyer against the decision of Cheltenham Borough Council.
 - The application Ref 16/01529/FUL, dated 24 August 2016, was refused by notice dated 27 October 2016.
 - The development proposed is to demolish existing garage and erect a detached dwelling.
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Decision

1. The appeal is dismissed.

Preliminary matter

2. The description of development in the heading above has been taken from the planning application form. However, in Part E of the appeal form it is stated that the description of development has not changed but, nevertheless, a different wording has been entered. Neither of the main parties has provided written confirmation that a revised description of development has been agreed. Accordingly, I have used the one given on the original application.

Main Issues

3. The main issues are the effect of the proposed development on the character and appearance of the surrounding area and on the living conditions of occupiers of neighbouring properties with particular regard to privacy.

Reasons

4. The appeal site is located on Shurdington Road, a residential street characterised by a mix of house types of varying architectural styles, with frontages set back from the road and screened by mature landscaping. Parking is predominantly off-street and parked vehicles are generally not evident in the street scene.
 5. The appeal property itself has a more open frontage and currently consists of a two storey detached building which has, at some time in the past, been converted into two self-contained flats. It sits within a large plot which currently provides separate parking and outdoor amenity space for the occupiers of the existing building. There is a large gap between the appeal site and the neighbouring property to the west, No 1 Kenelm Gardens, which gives
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an open and spacious feel in keeping with that of the appeal site's surroundings.

6. The proposal would involve the erection of a single storey, two bedroom dwelling to the side of the existing property. It would appear as an extension to the existing building and have a flat roof, contemporary design and rectangular form. It would include a large area of hard landscaping to the front with the dwelling set back from the street.
7. The Council has raised a number of concerns regarding the design of the proposed dwelling, its effect on the character and appearance of the surrounding area as well as on the privacy of the occupiers of the neighbouring ground floor maisonette at No 99. I agree with many of those concerns. While the National Planning Policy Framework ("the Framework") advises that local planning authorities should not seek to impose architectural styles or particular tastes, it also indicates that it is, however, proper to seek to promote or reinforce local distinctiveness.
8. The proposal would introduce a building of modern, contemporary design which would contrast sharply with the more traditional design of the other properties along this section of Shurdington Road. It would be clearly visible in the street scene and would appear out of keeping with the surrounding development. Furthermore, the addition of a hard landscaped area to the front of the site and the increased provision of vehicular parking would result in a cramped appearance which would be out of keeping with the neighbouring dwellings. While I note the additional landscaping proposed, it would nevertheless result in a significantly open frontage and would not provide sufficient mitigation for the resultant harm. On balance, I consider the proposal would neither respect nor complement the character of its surroundings and, as such, would be contrary to Policy CP7 of Cheltenham Borough Council Local Plan 1991-2011¹ (LP).
9. Turning then to its impact on the living conditions of neighbouring occupiers, I note that the proposal would result in the positioning of a bathroom window directly outside that property's main entrance as well as positioning full length bedroom windows in close proximity to the its existing bedrooms. This would be detrimental to the privacy of the occupiers of both the proposed dwelling and No 99 and, in my view, is a further indication that the scheme fails to achieve a high quality of design.
10. While I note the attempts made by the appellant to achieve a design which appears subservient to the existing building and acknowledge that in terms of its size, scale and bulk, the proposal would integrate well with the surrounding development, this does not overcome the harm identified above. Likewise, although I note the proposed obscured glazing in both the bedroom and bathroom windows of the proposed dwelling and acknowledge that the proposal would not result in any material loss of sunlight or daylight to the existing dwellings, I do not consider that it this overcomes the loss of privacy that I have identified above.
11. Consequently, I find that the proposal would result in a cramped development that would fail to achieve a high standard of design. I also find that it would cause unacceptable harm to the privacy of neighbouring occupiers. As such, it

¹ Cheltenham Borough Local Plan Second Review 1991 - 2011 (Adopted June 2006).

would be contrary to LP Policies CP4 & CP7 which, amongst other things, seek to ensure that new development is of a high quality design and does not cause unacceptable harm to the amenity of adjoining land users.

Other matters

12. I note the response of the Cheltenham Civic Society and agree that the proposal would appear subservient to the host building. A lack of harm in this respect does not, however, weigh positively in favour of the proposal.

Planning Balance and Conclusion

13. The Framework states that if a five year supply of deliverable housing sites cannot be demonstrated, relevant policies for the supply of housing should not be considered up to date. The Council accepts that it cannot currently demonstrate a five year supply of deliverable housing sites.
14. Nonetheless, I regard the adverse impact on the character and appearance of the surrounding area to significantly and demonstrably outweigh the benefit that an additional unit of residential accommodation would provide. Accordingly, for the reasons set out above, I conclude that the appeal should be dismissed.

Rory Cridland

INSPECTOR