

Appeal Decision

Site visit made on 28 March 2017.

by G Powys Jones MSc FRTPI

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

Decision date: 05 April 2017

Appeal Ref: APP/C1625/D/17/3166738

Wiltone, St Chloe, Amberley, Stroud, Gloucestershire, GL5 5AR

- 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 Commander John Payne against the decision of Stroud District Council.
 - The application Ref S.16/1905/HHOLD, dated 24 August 2016, was refused by notice dated 7 November 2016.
 - The development proposed is an extension to a garage.
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Decision

1. The appeal is dismissed.

Preliminary matters

2. In the interests of precision and brevity I have used the Council's description of the proposal found in its decision notice. In this regard, the appellant's existing integral single-storey garage is located to the north of the house. The space between it and the boundary fence separating Wiltone from Heavenwood House, (*formerly High Tumps*), is partly occupied by a single storey outbuilding.
3. The existing garage would be subsumed within an adapted two-storey structure. A gym and covered car-port would be formed alongside the fenced northern boundary. An attic room, accessed by means of an external staircase, would be formed within the roof.

Main Issues

4. The main issues are the effect of the proposed development on: (a) the character and appearance of the host property, and (b) on the living conditions of the residents of Heavenwood House with specific reference to privacy and visual impact.

Reasons

Character and appearance

5. The appeal property is an attractive detached dwelling standing within a generously sized plot with a large rear garden. It and its neighbouring property to the north, Heavenly House, are jointly accessed off a private drive which itself leads from a short cul-de-sac. Both properties are set at a lower
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level than the cul-de-sac, and Wiltone, especially where it is intended to develop, is relatively well sheltered in the public realm, being screened either by other buildings or as a result of the lie of the land.

6. The Council's officers say that *'the form and design of the proposal would be at odds, and compete, with the existing property. It is considered the extension would look overly complicated and incongruous to the existing dwelling. The simplicity and rationality of the original dwelling would be spoilt leaving a contrived appearance.'*
7. I do not share this assessment since, to my mind, commendable care has been demonstrated in the design. In this regard, echos of features found in the host property are apparent, including gables, roof shape, fenestration and materials. Whilst an upper floor would be formed, in elevational terms the extension would acceptably reflect the appearance of the main dwelling, and would demonstrate an appropriate level of subservience to it.
8. I conclude that the extension would not harm the character and appearance of the host dwelling. Accordingly, I find no conflict with those provisions of policy HC8 (2) of the Stroud District Local Plan (LP) requiring the height, scale, form and design of extensions to be in keeping with the scale and character of the dwelling to be extended.

Living conditions

9. As already mentioned, the extension would be built very close to the fenced common boundary separating the appeal property and Heavenly House. The latter has itself been extended recently quite close to the same boundary. Several of its new windows or glazed openings serving habitable room face or are close to the boundary.
10. Whilst some of the neighbouring property's openings would not be directly affected by the proposals, others would be. Whilst the extant fence currently forms part of the outlook from these openings, the roof of the two storey development would protrude well above the fence. To my mind, so close is the proposed extension to the boundary that, if built, it would be perceived as obtrusive and oppressive by the residents of Heavenly House, who would find the proposal unacceptably overbearing when using some of their internal rooms and the areas outside.
11. Heavenly House's rear garden would be directly overlooked from the top of the proposed staircase. The appellant appears to acknowledge this, but considers that the degree of use of the staircase would be infrequent, and the effects of overlooking in privacy terms are overstated. The appellant also considers that overlooking could be *'designed out'* and has produced a drawing for the appeal showing a modified scheme.
12. Since it has not been subject to public comment or previously seen by the Council, it would be contrary to the rules of natural justice were I to accept the revised drawing as part of my determination.
13. However, whilst I am reasonably confident that the issue of overlooking could probably be adequately addressed by design, as matters stand the neighbouring garden would be unacceptably overlooked at close quarters. Whilst the future use of the staircase may be infrequent, nevertheless the

appellant's neighbours perception of loss of privacy would be real and to my mind, justified.

14. I therefore conclude that the development would prove un-neighbourly and would harmfully and unacceptably affect the living conditions currently enjoyed by the residents of Heavenly House. Accordingly, a conflict arises with LP policy ES3(1) which provides that permission will not be granted to any development which would be likely to lead to, or result in an unacceptable level of loss of privacy or an overbearing effect.

Other matters

15. I have noted the references to other permitted examples of development in the locality but, as required, this appeal has been determined on its merits. I have also noted the planning-related comments made by the appellant's neighbour. I should emphasise that the comment made in respect of a possible devaluation of his property is not a material planning consideration.
16. The local support from the Parish Council has been taken into account, but neither this nor any other matter raised is of such significance as to outweigh the considerations that led me to my conclusions.

Overall conclusions

17. I find in favour of the appellant on the first issue identified at the outset, namely, the proposal's design in relation to the host property. However, I find against him on the second issue, the effects on neighbouring living conditions. This is sufficient reason to dismiss the appeal.

G Powys Jones

INSPECTOR