
Appeal Decision

Site visit made on 4 April 2017

by JP Roberts BSc(Hons), LLB(Hons), MRTPI

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

Decision date: 27 April 2017

Appeal Ref: APP/F1610/D/17/3166993

120 Roman Way, Bourton-On-The-Water, Gloucestershire GL54 2HD

- 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 T Gibson against the decision of Cotswold District Council.
 - The application Ref 16/03838/FUL, dated 14 September 2016, was refused by notice dated 28 October 2016.
 - The development proposed is described as "re-submission of amended scheme to provide second storey to gable end extension."
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Decision

1. The appeal is dismissed.

Procedural matter

2. Planning permission has already been granted under Ref: 16/01140/FUL for a first floor extension with a pitched roof above the existing single storey side element on the northern side of the dwelling, and for a new single storey, pitched roof side extension to the south of the property. This proposal would provide a first floor extension above the single storey extension already permitted on the southern side of the dwelling. I shall therefore deal with the proposal as the erection of a first floor extension on the north side of the dwelling and the erection of a two storey extension on the south side.

Main Issues

3. The main issues are:
 - i) The effect of the proposal on the character and appearance of the host dwelling and the surrounding residential area, and
 - ii) The effect of the proposal on the living conditions of the occupiers of 122 Roman Way, with particular regard to outlook and light.

Reasons

Character and appearance

4. The additional first floor extension above the single storey addition already approved would, on its own, appear subservient to the host dwelling, and the plot is of a sufficient size to accommodate the extension without it appearing squeezed or out of proportion to nearby dwellings. However, the two extensions together would be substantially larger than the original dwelling.
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5. Even though the original dwelling would retain the primary focus when seen from Roman Way, being taller and set further forward in relation to the extensions, it would appear unbalanced because of the considerable size of the flanking additions, which would be out of scale with, and would overwhelm the original dwelling. The prominence of the plot in the street scene would exacerbate the damaging appearance.
6. I consider that that this would look incongruous in the street scene and would not have adequate regard to the harmony, street scene or proportions that saved Cotswold District Local Plan (DLP) Policy 42 includes as matters which need to be taken into account to ensure that character, appearance and local distinctiveness are respected. Moreover, it would not represent the high quality design that the National Planning Policy Framework seeks to secure in all development as one of its core principles. It would also conflict with the guidance in the Council's Cotswold Design Code Supplementary Planning Guidance (SPG) which says that all extensions should be in scale and character with the building to which they are added.
7. I recognise that there are terraces of houses on either side of the appeal site, which have wide frontages. However, these contain three readily identifiable separate dwellings, all of equal stature and of the same design, which are clearly distinguishable from the proposal. There are also large houses on the opposite side of the road, but they do not possess the unbalanced design of the appeal proposal.
8. The proposal would also assist in breaking up the dominant flank elevations. However these are not unsightly and are common features in the road, and any benefit in reducing their prominence is decidedly outweighed by the harm that would result from the incongruity of the proposal.
9. I therefore conclude on the first main issue that the proposal would result in material harm to the character and appearance of the surrounding residential area, and would conflict with saved Policy 42 referred to above.

Living conditions

10. The property at 122 Roman Way is an end-of-terrace house with a much larger garden than the mid-terrace house it adjoins. Part of the side garden would be overshadowed by the proposal during some of the morning, but, as the appellant has illustrated with photographs, there is already a degree of overshadowing from the house on the opposite side of the road.
11. Saved DLP Policy 46 aims to ensure that reasonable daylight should be provided to gardens and outdoor open space. The side garden is partitioned by a fence which runs from the side of the house to the boundary with the appeal site, whilst a small side extension to No 122 at the rear of the property provides a degree of separation between the side and rear gardens. Planting in the front garden also imposes some restriction on light reaching the side garden. For these reasons the side garden does not appear to be as important an amenity area as the rear garden. The rear garden would still receive good levels of afternoon sun, and in my view, the reduction in sunshine would not be sufficient to materially harm occupiers' living conditions, and the reasonable amount of light sought to the garden sought by Policy 46 would be retained.

12. For similar reasons I consider that the proposal would not have a significant effect on outlook; there are no windows in the side elevation of 122 Roman Way facing the appeal site, and whilst a corner of the extension would come close to the boundary, it would be well away from the rear garden which I regard as the more important outdoor space.
13. Whilst the absence of objection from the occupiers of 122 Roman Way is not determinative, it reinforces my conclusion on this issue that the proposal would not materially harm occupiers' living conditions, with particular regard to light and outlook, and would not conflict with saved DLP Policy 46.

Conclusion

14. Whilst I have found that the proposal would not result in material harm to the neighbours' living conditions, the harm that I have found in respect of character and appearance is significant and leads me to conclude that the proposal conflicts with the development plan as a whole. Thus for the reasons given above I conclude that the appeal should be dismissed.

JP Roberts

INSPECTOR