



Appeal Decision

Site visit made on 14 August 2017

by Jonathan Manning BSc (Hons) MA MRTPI

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

Decision date: 29 August 2017

Appeal Ref: APP/F1610/D/17/3177612
135 Cheltenham Road, Cirencester, GL7 2JF

- 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 Anthony Bulger against the decision of Cotswold District Council.
 - The application Ref 16/05144/FUL, dated 9 December 2016, was refused by notice dated 13 April 2017.
 - The development proposed is garage, garden works and car port.
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Decision

1. The appeal is allowed and planning permission is granted for garage, garden works and car port, at 135 Cheltenham Road, Cirencester, GL7 2JF, in accordance with the terms of application ref: 16/05144/FUL, dated 9 December 2016, subject to the planning conditions in the attached schedule.

Main Issue

2. The main issue of the appeal is the effect of the proposal on the character and appearance of the area.

Reasons

3. The appeal site is located on Cheltenham Road and accommodates a two-storey end of terrace property. The wider area is largely residential. The appeal seeks the construction of a new garage/workshop within the rear curtilage of the host dwelling, which slopes steeply up to a private lane called Gallows Pound Lane, which is accessed from Stratton Heights. The proposed garage/workshop would be accessed from and face onto Gallows Pound Lane. From the lane the proposed garage/workshop on its western elevation would appear single storey, whereas its eastern elevation would be two-storey due to the steeply sloping land. The proposed garage/workshop would be some 7.3 metres wide and would have a pitched roof and a ridge height of 4.7 metres from Gallows Pound Lane.
4. The Council and local residents have raised concern that the proposed garage/workshop is too large in height and width. Whilst the garage/workshop would be a noticeable structure, I observed that there are other examples of double garages in the immediate vicinity within Stratton Heights. The proposed garage/workshop would have a pitched roof, which would angle away from Gallows Pound Lane, which would help to reduce its mass and bulk in the street scene.

5. There are also other noticeable structures along Gallows Pound Lane, close to the appeal site, including a mobile caravan and rendered walls, with what appeared to be a parking area in front that are associated with a dwelling on the western side of the lane. Whilst I accept that Gallows Pound Lane has a relatively rural feel, the garage/workshop would, nonetheless, also be viewed within the context of the two-storey housing within Stratton Heights that runs along the western side of Gallows Pound Lane, opposite the appeal site and around the entrance to the lane. This includes a detached garage, with a pitched roof directly opposite the location of the proposed garage/workshop.
6. Given all of this, I consider that the height, width and overall scale of the garage/workshop is not excessive and it would not, in my view, be overly prominent or intrusive within the street scene. Further, the proposed garage/workshop would not appear out of place or at odds with the surrounding development.
7. In terms of the design of the garage/workshop, there are other detached garages with pitched roofs within close proximity to the appeal site. The application form sets out that the garage/workshop would have a rendered finish, which I consider would complement the rear elevation of the host dwelling and the rendered walls that I observed along Gallows Pound Lane. Further, the pitched roof would have tiles to match the host dwelling. In addition, a planning condition can be imposed to secure the agreement of suitable samples of the proposed external materials with the Council.
8. Turning to the car port, I observed it is already in place. I am mindful that no concerns have been raised in relation to the car port. Whilst the boarding does not match the materials of the host dwelling, I agree with the Council's planning officer that once weathered it would not have a detrimental effect on the character and appearance of the host dwelling or the area. In addition, I consider that the proposed garden works would not result in any harm to the character and appearance of the area.
9. In conclusion on this matter and for the reasons set out above, I consider that the proposal would not result in any harm to the character and appearance of the area. Consequently, the scheme complies with Saved Policy 42 of the Cotswold District Local Plan (2006), which seeks to ensure that development is designed in a manner that respects the character, appearance and local distinctiveness of the area.

Other matters

10. It has been suggested that the appellant does not have a right of access to the proposed garage/workshop along Gallows Pound Lane. However, this, along with the maintenance of the lane are private civil matters. I am not of the view that the proposal would result in a significant increase in traffic using the lane or result in any harm to highway and pedestrian safety or have any unacceptable effects on the lane itself. Further, a drawing has been provided to show that a vehicle can access and exit the garage easily, despite the narrow nature of Gallows Pound Lane. There is no reason for me to believe that the proposal would lead to the lane being blocked by vehicles, affecting the access to other properties along Gallows Pound Lane.

11. There is no evidence before me to suggest that the construction of the proposed garage/workshop would result in damage to Gallows Pound Lane or cause any subsidence.
12. I consider that the proposal would not appear overbearing and would not unacceptably harm the outlook of any neighbouring properties, including those on Cheltenham Road. Consequently, I am not of the view that the scheme would result in any harm to the living conditions of the occupants of neighbouring properties.
13. I acknowledge that slow worms have been found on adjacent land. The appellant has provided an ecological assessment that makes recommendations for mitigating any potential harm to slow worms. Such mitigation measures can be suitably secured by a planning condition, which would ensure that there would be no harm to protected species.
14. There is no evidence before me to suggest that the appellant would seek to convert the proposed garage/workshop into residential accommodation or a commercial premise. In any event, planning permission would be required if the appellant wished to use the proposed garage/workshop as a dwelling or as a commercial premise.
15. Concerns with regard to precedence have also been raised. However, I have found that the proposal is acceptable in its own right and has been considered on its own merits. Further, any other similar development coming forward would require planning permission and would be considered on its own merits. A local resident has set out that other developments have been refused along Gallows Pound Lane in the past. However, I have not been provided with any further details. In any event, I am mindful that each proposal must be considered on its own merits.

Planning Conditions

16. I have considered these conditions against the tests set out within the National Planning Policy Framework and the advice provided by the Government's Planning Practice Guidance and have amended them where required, without altering the purpose or intent of the condition. As well as the standard time limit condition (1), a condition is necessary to ensure the development is undertaken in accordance with the approved plans to secure certainty (2). To ensure the suitable appearance of the scheme, condition (3) is necessary. Condition (4) is imposed in the interests of protected species.

Conclusion

17. For the reasons set out above and having regard to all other matters raised, including the strong concerns of local residents, the scheme complies with the development plan when taken as a whole and therefore the appeal is allowed.

Jonathan Manning

INSPECTOR

Schedule of Planning Conditions

- 1) The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
- 2) The development shall be carried out in accordance with the following approved plans: Location Plan; 01; 02; and 04.
- 3) Prior to the construction of any external wall of the garage/workshop building hereby approved, samples of the proposed walling and roofing materials shall be approved in writing by the Local Planning Authority. The development shall be undertaken in accordance with the approved details.
- 4) The development shall be completed in accordance with all of the recommendations set out in the letter from Wildwood Ecology dated 1 March 2017. The recommendations shall be implemented in full according to the timescales laid out in the recommendations, unless otherwise agreed in writing by the Local Planning Authority.