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# Appeal Decision

Site visit made on 17 December 2019

**by S Shapland BSc (Hons) MSc CMILT**

**an Inspector appointed by the Secretary of State**

**Decision date: 22 January 2020**

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**Appeal Ref: APP/B1605/D/19/3236403**

**23 Manor Park, Up Hatherley, Cheltenham GL51 3HU**

- 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 Joe and Charlie David against the decision of Cheltenham Borough Council.
  - The application Ref 19/01085/FUL, dated 31 May 2019, was refused by notice dated 8 July 2019.
  - The development proposed is a two-storey side extension.
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## Decision

1. The appeal is dismissed

## Main Issue

2. The main issues are the effect of the proposal on:
  - The living conditions of neighbouring occupiers of No.25 Manor Park with particular regard to outlook;
  - The character and appearance of the host dwelling.

## Reasons

### *Living conditions*

3. The appeal site is a detached dwelling located within a residential cul-de-sac. Adjacent to the dwelling at the end of the cul-de-sac is a row of three terrace houses, which due to their orientation face towards the appeal site.
4. The appeal proposal includes the demolition of the existing detached garage, and the erection of a two-storey side extension. The proposal would bring the flank wall of the appeal property closer to the neighbouring property of No.25 by approximately 3.8 metres. Due to the orientation of No.25, a number of windows, including the ground floor lounge would face this flank wall directly. The proposal by virtue of its scale and mass would appear as a dominate overbearing feature for the occupiers of No.25. It would lead to a sense of enclosure for the occupiers as the ground floor windows for the lounge are the only windows for this room.
5. Consequently, I find that the proposal would harm the living conditions of occupiers of No.25 Manor Park with particular regard to outlook. This is in conflict with Policy SD14 of the Gloucester, Cheltenham and Tewkesbury Joint Core Strategy adopted November 2017 (JCS) and Policy CP4 of the Cheltenham

Borough Local Plan adopted July 2006 (LP). Together these policies seek, amongst other things, that development does not harm the amenity of neighbouring occupants.

*Character and appearance*

6. The Council has concerns that the proposed extension would not appear subservient to the host dwelling by virtue of its scale and mass. The proposed extension would be set back by approximately 1 metre at the first floor, and the proposed roofline would also be lower than the roofline of the existing. Whilst the proposed extension would be a sizeable addition to the host property, I find that the design would ensure there is a clear a degree of subservience from the host dwelling. Furthermore, there are a number of other dwellings within the street scene of a similar scale and design as the proposal and as such it would not appear out of keeping with the area.
7. Consequently, I find that the proposal would not harm the character and appearance of the host dwelling. As such there would be no conflict with Policy SD4 of the JCS and Policy CP7 of the LP. Together these policies seek, amongst other things, that development is of a high-quality design which respects the character of the site and its surroundings.

**Other matters**

8. I acknowledge the appellant's need for the proposed development to provide additional space for an expanding family, and the benefits that having a larger garden area would bring. However, such personal circumstances do not outweigh the planning considerations and the harm I have identified from the proposals.

**Conclusions**

9. Whilst I have found no harm in respect of the effect of the proposal on the character and appearance of the host dwelling, I have found that the proposal would harm the living conditions of neighbouring occupiers. For the reasons given above the appeal is dismissed.

*S Shapland*

INSPECTOR