



Appeal Decision

Site visit made on 11 February 2020

by Adrian Hunter BA(Hons) BTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 25th March 2020

Appeal Ref: APP/F1610/W/3240052

Land at Stratton Heights, Stratton GL7 2RW

- 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 and Mrs R Hamilton against the decision of Cotswold District Council.
 - The application Ref 19/00831/FUL, dated 28 February 2019, was refused by notice dated 31 May 2019.
 - The development proposed is a new house.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. Following the submission of the appeal, ecological survey work has been undertaken. As a result, the Council no longer recommend that the application is refused on the grounds of biodiversity. Having reviewed the submitted information, I can see no reason to disagree with this and I have therefore determined this appeal on this basis.

Main Issues

3. The main issues are:
 - the effect of the proposal upon the character and appearance of the area; and
 - whether adequate living conditions would be provided for future residents having regard to private garden space.

Reasons

Character and appearance

4. The appeal site comprises an open, rocky, overgrown, undeveloped parcel of land. The site falls steeply from Stratton Heights before levelling out at a similar level to the existing dwellings on the southern boundary of the site. There is an existing tree close to the site's north western corner, which is protected by a Tree Preservation Order. The site is surrounded by development on all sides, with properties consisting predominantly of two storey dwellings. Whilst a number of the properties have been extended and altered, they generally follow a similar architectural theme, with dwellings being constructed from a stone exterior with concrete tile roofs. The frontages of the properties

are generally open, with private gardens to the rear. The openness creates a feeling of space to the front of the properties, in what is a dense and relatively tight urban environment. Parking is provided either to the front or via garages, although some properties have dedicated parking to the rear, with access to the front provided from pedestrian walkways.

5. The proposed dwelling would be developed so as to use the existing slope of the site. At street level, the proposed dwelling would appear as a single-storey building, which, when compared with the surrounding properties, would be out of keeping with the existing pattern of development. As such, when viewed from Stratton Heights, the proposal would comprise an incongruous feature within the street scene. This would result in a cramped appearance, indicative of overdevelopment. Given the constraints of the site, this could not be overcome with an alternative layout of development.
6. The main elevation of the proposed dwelling would be mainly blank, with the exception of a small window and a door. The design of the dwelling would therefore fail to engage with the street frontage along Stratton Heights. As a result, the proposal would introduce a pattern of development which would be out of keeping and harmful to the character and appearance of the area.
7. I have therefore concluded that the proposed development is harmful to the character and appearance of the area and, in this respect, is contrary to Policy EN2 (Design of the Built and Natural Environment) of the Cotswold District Local Plan and paragraphs 124 and 127 of the National Planning Policy Framework, which requires development to be of a design quality that respects the character and distinctive appearance of the locality.

Living conditions

8. Due to the topography of the site, surrounding residential properties to the north east and south east are elevated above the site and therefore have views onto the site. The dwelling would sit within a relatively large plot when compared with surrounding properties. However, due to the topography of the appeal site, much of the garden would be overlooked from first floor windows of neighbouring properties. As a result, the amount of private useable space would be very small.
9. I note that a boundary fence would be erected along the south-western boundary of the site. Whilst this might be sufficient to prevent overlooking from ground floor windows, it is unlikely to provide any privacy from first floor windows. Retaining walls would also be required around the garden area to provide the necessary levels to enable the development to take place. The proposed garden would therefore be surrounded by a mixture of fencing and retaining walls, creating a confined space, which would be likely to have an overbearing effect on the occupants of the dwelling. Further space is taken up by the presence of the protected tree along the eastern boundary, which would overshadow large parts of the garden, further reinforcing the inadequacy of the open space.
10. I note the observations of the appellants that the amount of amenity space provided is greater than at other houses in the local area. However due to my findings in relation to the overall adequacy and usability of the space, I am not convinced by this argument.

11. I find therefore that the dwelling would not provide adequate living conditions for the future occupants of the dwelling and, in that respect, is contrary to Policy EN2 (Design of the Built and Natural Environment) of the Cotswold District Local Plan and paragraphs 124 and 127 of the National Planning Policy Framework, which require a high standard of amenity.

Other Matters

12. My attention has been drawn to other single storey developments in the area. Of these, one appeared to be a bungalow, with others being single storey garages. In contrast to my finding on the main issues, these developments form part of the original estate and, whilst being single storey, are well integrated into the surrounding pattern of development. In any event, I have considered the appeal on its merits.

Conclusion

13. I conclude that for the above reasons, and having taken into account all other matters raised, the appeal should be dismissed.

Adrian Hunter

INSPECTOR