
Appeal Decision

Site visit made on 23 March 2020

by S. Rennie BSc (Hons), BA (Hons), MA, MRTPI

an Inspector appointed by the Secretary of State

Decision date: 22 April 2020

Appeal Ref: APP/F1610/W/19/3239473

Malt Cottages, Lansdowne, Bourton-On-The-Water, Gloucestershire GL54 2AR

- 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 & Mrs Graham Hill against the decision of Cotswold District Council.
 - The application Ref 19/02201/FUL, dated 4 June 2019, was refused by notice dated 14 August 2019.
 - The development proposed is the erection of a new dwelling.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are the effect of the development on (1) the character and appearance of the area, including the significance of the nearby Conservation Area (CA) and listed building (The Mill House), and (2) the living conditions of both neighbours to the site and also future occupiers of the proposed dwelling.

Reasons

Character and Appearance/Heritage Assets

3. The site is an undeveloped plot which was once part of a domestic garden, set within Bourton-on-the-Water, opposite the Grade II listed Mill House. The site is outside but near to the CA, in what is a largely residential area.
4. Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 is relevant to this appeal as it requires special regard as to whether to grant planning permission for development which affects a listed building or its setting.
5. Furthermore, section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act requires special attention to be paid to the desirability of preserving or enhancing the character or appearance of Conservation Areas in the exercise of planning functions. However, in this case the site is outside of the setting of the CA, although paragraph 194 of the National Planning Policy Framework (the Framework) states that - "*Any harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting), should require clear and convincing*

justification.” Also, paragraph 193 states that “When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset’s conservation..”

6. The plot fronts the Lansdowne. This is a long street where most dwellings front the road, either closely or behind a small front garden. However, as proposed the 'T' shaped dwelling would be well set back from the road, with what appears to be the main area for amenity space to the front. The appellant has suggested a 2m boundary fence behind a dry stone wall facing Lansdowne Road. Reinstating a traditional boundary wall of a low height would likely be a positive addition, but the fence height would mean that this boundary treatment would further visually disconnect the dwelling from the street and would be a discordant feature in itself, in an area where low walls and relatively open frontages are typical. As such, the proposed dwelling would not have a strong visual relationship with the road and would not reflect the clear linear character of the street scene or the prevailing patterns of built development.
7. In terms of the appearance of the proposed house, there is a contemporary style to the design. Whilst this is not necessarily a negative factor, some of the features of this design do not reflect the local characteristics and traditional elements of this street. Examples being the differing heights of the pitched roofs and also the flat roof section to the front of the house. It may be that the overall height and scale of the proposed house is similar to others in the area and that traditional materials would be used, but the overall design would mean that the house would appear discordant with the character of the street.
8. Whilst set back from the road, the house proposed is large with significant height and would not be concealed from view, even with enhanced landscaping. For all these issues combined, the proposed dwelling would appear as an incongruous and unsympathetic addition to the street scene and therefore would be overly prominent. As a result, the proposed dwelling would detract and visually compete with the listed building (The Mill House) opposite the site and adversely impact upon its setting.
9. Furthermore, this section of Lansdowne provides a pleasant residential setting to the adjacent CA. The introduction of such an incongruous dwelling within the street scene would adversely impact the setting of the CA.
10. The proposed dwelling would be harmful to the setting of the listed building and the setting of the Conservation Area. Nevertheless, the harm would be less than substantial and in accordance with the National Planning Policy Framework (the Framework), the harm should be weighed against any public benefits of the proposal. The dwelling would provide towards local housing supply and make use of what appears a vacant site. There would likely be some benefits economically through the construction of the house as proposed and also bringing more people into the area to help support local services and facilities. However, such public benefits and all others which arise from the proposal do not offset the identified harm to these heritage assets, to which I must attach considerable importance and weight.
11. Considering the relatively small scale of the development within the settlement, I do not regard there to be any harm to the AONB designation. I also accept that the proposed house is set within a large plot. However, the proposal would fail to preserve the significance of these heritage assets and the dwelling would not reflect the character and pattern of the street scene appropriately. On this

basis the proposal would conflict with Local Plan Policies EN1, EN2, EN10 and EN11, which require development to protect and conserve the historic environment, be of a design quality that respects the character and distinctive appearance of the locality, and avoid any harm to the significance or setting of heritage assets, amongst other things. Also, the level of harm would be significant and demonstrable when considered against the policies of the Framework.

Living Conditions

12. The proposed dwelling is on a plot with existing houses to all sides other than the south, where the plot fronts the highway. The proposed dwelling is two storeys, with windows in the upper floors. Therefore, an assessment is needed to consider the potential impact to the living conditions of occupiers of surrounding houses.
13. The proposal includes a first floor large bedroom window in the east elevation, which faces towards the rear of Nos 1 and 2 Malt Cottages. This would result in a clear view into the gardens of these houses, which appear to be their only outdoor amenity space. However, these gardens are already overlooked by neighbouring properties to an extent. This window in the proposed east elevation would also have views to the rear elevations of Nos 1 and 2 Malt Cottages, but a combination of the separation distance and angles involved would mean that any loss of privacy would not be significant or unacceptable.
14. The proposed dwelling would result in a high and continuous wall along the side boundary with the property known as Chagford. There would be no discernible loss of privacy to the occupiers of Chagford as the first floor windows in the proposed west elevation would serve a bathroom and an en-suite, which could be conditioned to have obscure glazed windows. There would likely be some loss of light to the rear garden of Chagford, but as the dwelling proposed is set off the boundary then such an impact would not be at an unacceptable level. Furthermore, I would not regard the proposed dwelling as having an unacceptable overbearing effect on the occupiers of Chagford as the dwelling would be set off the boundary and from my observations would still have open aspects around much of this long garden.
15. To the rear of the site is the detached house known as Holt End. With the site now mostly cleared the side elevation of this house is evident from the plot. This elevation includes first and second floor windows. The proposed house would include two bedroom windows in the north elevation which would allow for views across a relatively short distance into these windows at Holt End, reducing the privacy levels of occupiers significantly. I have no clear evidence before me that these neighbouring windows do not serve habitable rooms. These windows in Holt End would also provide views back to the proposed house and its windows and could therefore adversely affect the living conditions of future occupiers. There are some trees shown on the proposed plans, which indicate some intended planting, but there is no substantive evidence provided that the landscaping would sufficiently mitigate the overlooking impact.
16. The Council has commented on the outdoor garden space provision for future occupiers, as this is mainly to the front of the house and so could lack privacy. However, there is mention of a high fence to the front boundary, which whilst

would likely have character and appearance impacts (as discussed above) it would allow for sufficient privacy for future occupants.

17. Overall, due to the overlooking impact between the proposed dwelling and the neighbouring house known as Holt End, there would be a harmful impact to the living conditions of these neighbours and future occupiers. The proposal would therefore be contrary to Policy EN2 of the Cotswold District Local Plan, which requires development to be in accordance with the 'Cotswold Design Code' which includes ensuring adequate privacy as a key consideration, amongst other things.

Other Matters

18. The proposal would provide one additional house in an accessible location towards local housing supply. The appellant has also suggested this development would optimise the potential of this site. There would be good levels of insulation and would exceed building regulation standards, with use of solar gain. However, these matters do not outweigh the harm I have identified which is significant.

Conclusion

19. For the reasons set out above the appeal should be dismissed.

S. Rennie

INSPECTOR