



Appeal Decision

Site visit made on 2 June 2020

by M Allen BSc (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 13 July 2020

Appeal Ref: APP/B1605/W/19/3241668

Imber, Undercliff Avenue, Leckhampton, Cheltenham, Glos

- 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 Colburn Homes Limited against the decision of Cheltenham Borough Council.
 - The application Ref 19/00011/FUL, dated 2 January 2019, was refused by notice dated 27 June 2019.
 - The development proposed is the construction of 2 No. dwellings.
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Decision

1. The appeal is dismissed.

Procedural Matter

2. With the appeal the appellant has submitted amended drawings in respect of the site layout, cross-section and landscape strategy. These are to address concerns which the Council has raised in its Delegated Officer Report. The Council has had the opportunity to comment on these details and as such, I am satisfied that there would be no prejudice in me considering these amended details.

Main Issue

3. The main issue is the effect of the proposal on the character and appearance of the area, including on the adjacent Area of Outstanding Natural Beauty.

Reasons

4. The appeal site comprises the existing dwelling, known as Imber, and its associated garden area. Access to the site is gained from Undercliff Avenue to the north, which also serves several other residential properties. Imber sits at one of the highest points within the site and lies above the level of Undercliff Avenue. Within the site, ground levels fall to the east towards a watercourse, beyond which lies a belt of mature trees lying along the eastern extent.
5. The site is bordered on three sides by existing properties, with an open aspect to the south east towards the Cotswolds Area of Outstanding Natural Beauty (the AONB), which borders the site. To the north of Undercliff Avenue dwellings are relatively densely sited with little spacing between. This results in the development on that side of the road having a suburban quality at this location, within the defined Principal Urban Area (PUA) of Cheltenham. Whilst the appeal

site also lies within the PUA it, in my view, sits apart from the development to the north of the road. This is, in part, due to a greater separation between Imber and its immediate neighbour than there is between other dwellings in the area. In addition, the large garden area associated with Imber results in an area of transition between the denser development to the north and the less dense development to the south, as well as the open nature of the adjacent AONB. There is also an increased spaciousness to the layout of development immediately adjoining, and to the south of, the site than to the north.

6. I have had regard to the submitted Landscape Statement but disagree with the conclusion that the site is more strongly influenced by and associated with its urban setting. As I have identified above, the site is a large area of garden associated with a single dwelling, sitting distinctly apart from the denser development to the north. It is therefore in my view a site providing a transition between the more urban development in the area, with that of the open rural aspect of the AONB. As a consequence of this, the site is an attractive element in views out of the AONB and contributes positively to its setting.
7. The proposed scheme would result in the construction of two substantial dwellings alongside Imber. One would be located on a plateau alongside the existing property, with the other beside this at a lower level. Due to the presence of a buffer to the eastern extremity of the site which contains the existing watercourse and mature trees, the proposed dwellings would be located in close proximity to each other. As a consequence, there would be little spacing between, as well as little spacing between the proposed dwelling on Plot 1 and Imber. This would result in the development having a cramped appearance and give the impression of being squeezed into the site, especially when viewed from Undercliff Avenue. It would be an incongruous addition to the streetscene, notwithstanding that the development would take account of the fall in levels within the site.
8. Whilst I have acknowledged that the development to the north side of Undercliff Avenue exhibits a denser layout, these properties are generally smaller, and they are set below the level of the road. The proposed properties are of a greater scale and would be sited in an area which I have identified as being transitional between higher and lower density development. The immediately adjoining development has a roomier appearance, befitting the location adjoining the AONB. As such, the site following development would not assimilate successfully with the character of the built environment with which it would be most closely associated.
9. There are numerous Public Rights of Way (PROWs) which traverse the adjacent AONB. I observed that the appeal site and Imber itself were clearly visible from a number of them and was a feature which provided an attractive framing to the development along Undercliff Avenue. There was also a distinct sense of openness in views towards the site, with dwellings appearing well-spaced and framed by vegetation. Whilst there are views of the more densely developed settlement to the north, these are at a distance. As such, at close quarters the proximity of two large dwellings adjacent to Imber would be a harmful and jarring addition in views from the AONB.
10. Moving to the south along the PROWs, the level of the land rises and, notwithstanding the conclusion of the Landscape Statement, I observed views

of the site were still possible, notwithstanding the presence of vegetation. This vegetation provided some shielding of views to the site however this was not extensive in its effect. I accept that in places these would be glimpses or fleeting views, but from other locations, the views of the site would be for longer durations. In any event, wherever it is viewed from, the proposal would be seen as an incongruous visual element within the landscape.

11. An amended landscape strategy has been submitted with the appeal, providing details of new planting, which includes new trees as well as establishing a meadow area to the south east of the proposed dwellings. I accept that this would improve an area which I observed to be overgrown and the planting of new trees would supplement the screening that is already present at the boundaries of the site. However, the trees would filter views of the proposal, rather than completely screen them and native tree and shrub planting is likely to provide limited screening during the winter months. In the circumstances, I consider that the development would remain a discordant feature within the landscape, which would not be successfully mitigated by additional planting.
12. Thus, I find that the scheme would be harmful to the character and appearance of the area, including that of the adjacent Area of Outstanding Natural Beauty. Accordingly, the proposal would conflict with saved policy CP7 of the Cheltenham Borough Local Plan – Second Review (adopted 2006) as well as policies SD4, SD6 and SD7 of the Gloucester, Cheltenham and Tewkesbury Joint Core Strategy (adopted 2017). Together, and amongst other things, these policies seek to ensure development complements the character of a locality, responds positively to the character of its surroundings, protects landscape character for its own intrinsic beauty and that development within the setting of the AONB conserves its scenic beauty. The scheme would also conflict with the landscape protection aims of the National Planning Policy Framework.
13. There would also be conflict with policies CE1 and CE3 of the Cotswolds Area of Outstanding Natural Beauty Management Plan (2018-2023), insofar as these policies seek to ensure that development has regard to the scenic quality of the AONB and its setting, as well as that development respects local distinctiveness.
14. Whilst there are trees to the eastern boundary that would partially shade the site, the southern aspect of the garden for plot 2 would for much of the day be unshaded. As such, I do not consider that there would be undue pressure to remove these trees. I note that Policies GE 5 and GE 6 are referred to in the reason for refusal. However, these policies refer to the protection and replacement of trees, as well as trees and development. As the appeal scheme proposes no direct removal of trees as part of the development, I find no conflict with these policies.

Other Matters

15. The Council accept that they are unable to demonstrate a 5-year housing land supply; currently with a 3.7-year supply. The provision of two new dwellings would therefore be a benefit although this would be relatively limited in terms of addressing the shortfall due to the small size of the development. There would also be associated economic benefits, including through spend during the construction as well as expenditure by occupiers. There would also be social benefits, including the provision of modern housing at a sustainable location. However, for the same reason as given above, these would be limited also.

16. I am aware that since the refusal of planning permission, a revised scheme has been granted approval for the replacement of the existing dwelling and one additional dwelling. The appellant has indicated that it is likely that this scheme will come forward as an alternative to the scheme that is before me. Whilst this is noted, the construction of one additional dwelling at the site, rather than the two proposed in the appeal scheme would not result in the degree of harm that I have identified from this current proposal. Thus, the fallback position is a matter to which I attribute little weight in this case.
17. I have also had regard to the appellant's comments in respect of the density of development, as well as that the scheme would comprise an efficient use of land. There is also reference to the dwellings being visually attractive, comprising good architecture and taking account of the need to plan for climate change. These are matters with which I do not disagree, and they are all benefits that would arise from the development.
18. However, the harm that I have identified in respect of the character and appearance of the area and setting of the AONB is of compelling importance. The adverse impacts that would arise would, in this case, significantly and demonstrably outweigh the aforementioned benefits when assessed against the policies in the Framework. The proposal would conflict with the development plan when taken as a whole and there are no material considerations that indicate that the decision should be made otherwise than in accordance with it.
19. In reaching this conclusion I have considered whether planning conditions could provide satisfactory mitigation but have concluded that they could not. I have also considered the appellant's reference to other developments that have been granted approval by the Council, both within and adjoining the AONB. Whilst some details of these have been provided, I am unable to draw any useful comparisons between those cited cases and the scheme that is before me. There is reference to the site comprising previously developed land (PDL). Whilst I have not considered this matter in detail, even if I were to agree that the site is PDL, any benefit in this regard would not be sufficient to overcome the harm that I have identified above.

Conclusion

20. For the reasons given above and having regard to all matters raised, I conclude that the appeal should be dismissed.

Martin Allen

INSPECTOR