
Appeal Decision

Site visit made on 6 July 2020 by A J Sutton BA Hons DipTP MRTPI

by R C Kirby BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 15 July 2020

Appeal Ref: APP/F1610/W/20/3250610

39 Tinglesfield, Stratton, GL7 2JL

- 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 Peter and Emma Moritz against the decision of Cotswold District Council.
 - The application Ref 19/03947/FUL, dated 23 October 2019, was refused by notice dated 14 February 2020.
 - The development is described as 'erection of wooden garden building 2.5m high, on a concrete base (2.5 x 3.0m), to the rear (south) of the original garage.'
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Decision

1. The appeal is allowed, and planning permission is granted for erection of wooden garden building 2.5m high, on a concrete base (2.5 x 3.0m), to the rear (south) of the original garage at 39 Tinglesfield, Stratton, GL7 2JL, in accordance with the terms of application Ref 19/03947/FUL, dated 23 October 2019 and subject to the following condition:
 - 1) The development hereby permitted shall accord with the following approved plans:

Site and Location Plan, Proposed Block Plan, Elevations, Base and Layout Drawings Ref Moritz dated 22 May 2019.

Appeal Procedure

2. The site visit was undertaken by an Appeal Planning Officer whose recommendation is set out below and to which the Inspector has had regard before deciding the appeal.

Procedural Matter

3. I observed on the site visit that the development has been carried out.

Main Issue

4. The main issue is the effect of the development on the character and appearance of the dwelling and the locality.

Reasons for Recommendation

5. The appeal property is a semi-detached bungalow, in a residential estate, constructed in the mid-1960s. It is on a slope with a slightly elevated position to that of the neighbouring dwelling (No 41). Dwellings in the area have

modest size rear gardens, forming narrow linear patterns with some sense of openness. Properties are set back from the road and the rear gardens are generally screened from the public highway.

6. The outbuilding is roughly a square form with a flat roof and constructed in timber. It is situated at the rear of the existing garage and close to the shared boundary with No 41.
7. I observed examples of outbuildings in surrounding gardens and within the appeal site, which appear traditional in style and colour. The outbuilding, subject of this case, is of a contemporary design. However, its simple form and proportions are similar to that of existing outbuildings and as such is not out of keeping with its garden setting or that of nearby properties. The recently painted finish does appear stark, however white is not an unusual colour, particularly when set against a garage of a similar colour, and the effect will be likely to soften overtime.
8. Although not visible in the street scene the top section of the building can be viewed from gardens to the west. However, its height is similar to the adjacent garage and therefore I consider that it is not of a disproportionate scale to the existing dwelling. Sufficient undeveloped rear garden area remains such that the character and appearance of the locality is not adversely affected as a result of the outbuilding.
9. For the reasons outlined above, I find that the development is not harmful to the character and appearance of the dwelling or the locality. The development accords with Policy EN2 of the Cotswold District Local Plan 2018 which requires development to be of a design quality that respects the character and distinctive appearance of the locality. The development is also not inconsistent with the design aims of the National Planning Policy Framework.

Other Matters

10. I have had regard for comments relating to loss of privacy for occupiers of No 41 when using their garden. Although the building has an elevated position with openings to the south and an outlook close to the shared boundary, I observed on my site visit, whilst standing at the building's entrance and within it, that views of the neighbour's garden were limited because of the existing boundary treatment. They were not materially different to those that could be achieved when standing in the garden of no 39, close to the outbuilding. As such I consider that the development has not in itself resulted in a material loss of privacy to those using the neighbouring garden, to the degree that harm has been caused to their living conditions.

Conditions

11. The Council has requested a condition requiring the development to accord with the submitted plans which I consider necessary for certainty and in the interest of character and appearance.

Conclusion and Recommendation

12. For the reasons outlined above, and having regard to all other matters raised, I recommend that the appeal should be allowed.

A J Sutton

APPEAL PLANNING OFFICER

Inspector's Decision

13. I have considered all the submitted evidence and concur that the appeal should be allowed with the suggested condition.

R C Kirby

INSPECTOR