
Appeal Decision

Site visit made on 29 October 2020

by Stuart Willis BA Hons MSc PGCE MRTPI

an Inspector appointed by the Secretary of State

Decision date: 03 November 2020

Appeal Ref: APP/G1630/D/20/3246948

19 Whitefields Road, Bishops Cleeve, Cheltenham GL52 8RR

- 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 Cooper against the decision of Tewkesbury Borough Council.
 - The application Ref 19/00538/FUL, dated 28 May 2019, was refused by notice dated 19 December 2019.
 - The development proposed is two storey rear extension.
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Decision

1. The appeal is dismissed.

Application for costs

2. An application for costs was made by Mr Cooper against Tewkesbury Borough Council. This application is the subject of a separate Decision.

Main Issue

3. The main issue of the appeal is the effect of the proposed development on the living conditions of the occupiers of nearby properties, with particular regard to outlook, privacy, daylight and sunlight.

Reasons

4. There is a tight grain of development near the appeal site resulting in limited separation distances between some properties in the nearby streets. Some mutual overlooking is inevitable and tolerable in residential areas and already occurs at the appeal site from first-floor windows.
 5. The proposal would allow shorter-range views into the properties of 12 and 14 Whitefields Road and their gardens than at present. Existing vegetation and boundary treatments would partly filter views. Nevertheless, there would be views over and through gaps in the vegetation. In addition, the replacement of an obscure glazed bathroom window on the rear elevation by a clear glazed one serving a bedroom would increase the likelihood of overlooking. Although the extension would extend straight from the rear of the appeal property, views from the first-floor windows would still be at a relatively direct angle into the rear garden spaces behind and the properties themselves.
 6. While there is no set separation distance given in local plan policies or a design guide, the appeal scheme would give rise to an unacceptable increase in the level of overlooking. This would be detrimental to the privacy of the occupants of those properties.
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7. An existing side elevation window would be removed that overlooks some adjacent properties. However, as this serves a stairway rather than a habitable room, the benefit of this in reducing overlooking is limited. Existing views towards 16 Whitefields Road from rear windows are at an acute angle and would be more so with the proposed extension.
8. Were the appeal to be allowed, a condition could be imposed, requiring the new first-floor side elevation windows to be fitted with obscure glazing. This would prevent overlooking from these to the properties either side of the appeal site.
9. The appeal property is already a prominent feature in the outlook from 16 and 17 Whitefields Road. The proposal would increase the bulk of the appeal property as experienced from these neighbouring dwellings. Nevertheless, the proposal would not extend across the whole of the rear boundary of 16 Whitefields and the largely glazed conservatory would still provide an adequate outlook. Views from the kitchen window are already limited by the conservatory and garage. At 17 Whitefields Road the extension would be seen at a more angled view, with the existing property being directly behind it.
10. While the extension would still be an obvious presence from first floor rooms at 16 and 17 Whitefields Road, they would have an outlook over and away from the proposed extension. The extension would be highly prominent from the rear gardens. Notwithstanding this, it would not be an oppressive feature.
11. The outlook from the rear windows at 20 Whitefields Road is directed towards its garden rather than the appeal site. The extension would be seen from the property and its garden. Nonetheless, there would be a wide alternative outlook in other directions.
12. Consequently, the proposal would not give rise to unacceptable harm with regard to outlook at nearby properties.
13. The impact on sunlight from the proposed extension on 12, 14, 16 and 17 Whitefields Road and their gardens would be limited given the orientation of the properties, course of the sun and therefore the direction of shadowing. The angle of the properties and separation distances would reduce impacts on daylight. The extensive glazing at the rear conservatory would allow sufficient light to enter 20 Whitefields Road.
14. It has been put to me that a potential extension under permitted development rights represent a fallback position that would not have a materially different impact to the appeal proposal. There is no specific design or certificate of lawful development for such a scheme before me. Furthermore, the depth of the extension would be less than that in the appeal proposal. Consequently, it would result in greater separation between the appeal property and those to the rear. As such the impacts on privacy would be less than that of the appeal proposal, causing less harm. While the fallback is a consideration, it does not offer a basis to allow the appeal in light of the concerns above.
15. My attention has been drawn to overlooking that exists in the area between properties. I do not have full details of any particular scheme or properties in this regard. As such, I cannot be sure what the individual circumstances and considerations were or that they would represent a direct comparison to the appeal proposal.

16. Therefore, the proposal would unacceptably harm the living conditions of the occupiers of 12 and 14 Whitefields Road with regard to privacy. As such, it would fail to accord with Policies SD4 and SD14 of the Gloucester, Cheltenham and Tewkesbury Joint Core Strategy and Policy HOU8 of the Tewkesbury Borough Local Plan. These, in part, aim to prevent development that would unacceptably impact on and harm adjacent properties and occupants with regard to overlooking. It would also be contrary to the National Planning Policy Framework where it seeks to secure a high standard of amenity for all existing and future users.

Other Matters

17. While the proposal would help the appellant to meet the changing needs of their family and provide a more functional internal layout, this personal benefit does not outweigh the harm that the proposal would cause.
18. The Council have not included refusal reasons relating to the effect of the proposal on the character and appearance of the area. As I have found sufficient harm would arise with regard to living conditions to warrant the dismissal of the appeal there is no need for me to consider this matter further. In any event, a lack of harm would be a neutral factor.
19. The conduct of the Council during the application does not alter my reasoning with regard to the main issue.

Conclusion

20. Therefore, for the reason above, and having taken into consideration all matters raised, I conclude that the appeal should be dismissed.

Stuart Willis

INSPECTOR