



Appeal Decision

Site visit made on 17 November 2020 by Alex O'Doherty LLB(Hons) MSc MRTPI

Decision by R C Kirby BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 22 December 2020

Appeal Ref: APP/F1610/D/20/3257613

2 Mulberry Green, Upper Oddington GL56 0XP

- 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 Pemberton against the decision of Cotswold District Council.
 - The application Ref 20/01850/FUL, dated 5 June 2020, was refused by notice dated 28 July 2020.
 - The development proposed is described as, "Formation of habitable room in roofspace with rear dormers".
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Decision

1. The appeal is dismissed.

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 Matters

3. The description of development in the heading above has been taken from the planning application form. However, in Part E of the appeal form it is stated that the description of development has not changed but, nevertheless, a different wording has been entered. The description of development given in the Council's decision notice is: "Addition of rear dormer windows to facilitate loft conversion". This is the description used to determine the application. As that description more accurately describes the proposal, the appeal has also been determined using that description of development.
4. In addition to visiting the appeal site, the Appeal Planning Officer also viewed the appeal site from the residential dwelling known as Sandles Cottage, including from a room with windows facing towards the appeal site, and from the garden and the terrace areas.

Main Issues

5. The main issues are:
 - the effect of the proposal on the character and appearance of the host property and the surrounding area, including the setting of the Oddington Conservation Area;

- the effect of the proposal on the living conditions of the occupants of the residential dwelling known as Sandles Cottage, with particular reference to privacy.

Reasons for the Recommendation

Character and appearance

6. The appeal property is a two-storey link detached house, situated within a courtyard of similarly-designed houses. Although these properties are not of historic construction, stylistically they blend well with other properties nearby which exhibit traditional features. The host property has low dormer windows on the rear elevation and the appeal proposal is to construct two rear dormer windows in the roof above, to facilitate a loft conversion.
7. The two proposed dormers would be very large in comparison with the roof. In particular, the combination of their width, depth, and height up to the ridge of the roof, would create features of considerable bulk which would engulf much of the rear roof slope. As such, they would dominate the roof and would appear overly strident upon this modestly-sized property. Additionally, the contrast in size with the existing dormers would exacerbate their incongruity.
8. The Cotswold Design Code makes mention of dormers within the 'Cotswold vernacular', but these are specified as being small, which is not what is proposed in this appeal. Even though the host property is non-traditional in design, in my view the scale and design of the proposal is not appropriate in this instance.
9. It is recognised that the host property is lower than some surrounding properties and that the development would not be visible from the front of the property or from the courtyard, but this would not off-set the harm caused by the proposal to the host property itself. I observed that no similar structures to that proposed were evident from within the appeal site, and I have not been provided with specific details of any similar developments nearby.
10. The appeal site is located outside of the Oddington Conservation Area ('OCA'), but as it is located immediately adjacent to its boundary it is within its setting. The significance of the OCA derives in part from its distinctive traditional architecture, which the Cotswold Design Code describes as 'the Cotswold vernacular'. Whilst public views would be limited, I observed that the proposal would be seen from Sandles Cottage, within the OCA, and its harm to the character and appearance of the host property, identified above, would also undermine the contribution that the setting currently makes to the presence of traditional architecture within the OCA. As such, the proposal would not preserve the setting of the OCA as a designated heritage asset.
11. The appeal site is within an Area of Outstanding Natural Beauty ('AONB'), and in accordance with paragraph 172 of the Framework, I have given great weight to conserving and enhancing the landscape and its scenic beauty. As the impacts of the proposal would be localised, the proposal would not be viewed as a harmful element in the wider landscape. The proposal would therefore have a neutral effect on the landscape overall and in conserving it, would not conflict with the Framework in this respect.
12. Nevertheless, the harm caused by the proposal to the host property and the setting of the OCA would persist, and I therefore conclude that the proposal

would have an unacceptable and harmful effect on the character and appearance of the host property and the surrounding area, including the setting of the Oddington Conservation Area. The proposal would conflict with Policies EN2, EN10 and EN11 of the Cotswold District Local Plan 2011 – 2031 (adopted 2018) ('Local Plan') which collectively provide that development proposals should be of a design quality that respects the character and distinctive appearance of the locality, and sustain and enhance the character, appearance and significance of designated heritage assets (and their settings).

13. The proposal would also conflict with paragraph 127 of the National Planning Policy Framework ('the Framework') which provides that planning decisions should ensure that developments are sympathetic to local character, and with paragraph 192 of the Framework, which refers to the desirability of sustaining and enhancing the significance of heritage assets.

Living conditions

14. The grounds of Sandles Cottage abut the appeal site, and the proposed dormers would be facing the garden and terrace areas of that property, and also a room to the rear. I observed that views from the proposed windows to the garden at Sandles Cottage would be limited, due to the distances involved and the high hedge along the boundary.
15. Overlooking towards the larger area of terracing (within the L-shape of the house) and the rear room would be minimal, due to the oblique angles involved. Greater views would be possible towards the smaller terraced area (above an extension). However, considering that the occupiers of Sandles Cottage would retain amenity areas that would only suffer a limited degree of change, including the larger terraced area and the garden, on balance it is considered that the increased level of overlooking which would be created by the proposal would not be harmful to their living conditions.
16. I therefore conclude that the proposal would have an acceptable effect on the living conditions of the occupants of the residential dwelling known as Sandles Cottage, with particular reference to privacy. In this respect, the proposal complies with the Cotswold Design Code, referred to in Policy EN2 of the Local Plan, which states that extensions should respect the amenity of dwellings, giving due consideration to issues of privacy. The proposal would also comply with paragraph 127 of the Framework, which provides that planning decisions should ensure that developments create places with a high standard of amenity for existing and future users.

Other Matters

17. The proposal would improve the living accommodation available at the host property. However, as this would offer mainly private benefits, this has been given limited weight. It is recognised that the size of the proposed dormers relates to the requirements of Building Regulations, and reference has also been made to Government support for loft conversions, but these considerations do not reduce the harm identified with respect to matters of character and appearance. Overall, I find that the matters advanced in support of the proposal, do not, either individually or collectively, outweigh the harm identified, nor the conflict with the development plan.

Conclusion and Recommendation

18. Whilst I have found the proposal to be acceptable in terms of living conditions, this does not overcome the conflict with the development plan in relation to matters of character and appearance.
19. Based on the above, and having regard to all matters raised, I recommend that the appeal should be dismissed.

Alex O'Doherty

APPEAL PLANNING OFFICER

Inspector's Decision

20. I have considered all the submitted evidence and the Appeal Planning Officer's report and on that basis the appeal is dismissed.

RC Kirby

INSPECTOR