
Appeal Decision

Site visit made on 30 November 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: 7 January 2021

Appeal Ref: APP/B1605/D/20/3260654

17 Brook Vale, Charlton Kings, Cheltenham, GL52 6JD

- 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 Martin Burge against the decision of Cheltenham Borough Council.
 - The application Ref 20/00879/FUL, dated 1 June 2020, was refused by notice dated 15 July 2020.
 - The development proposed is a three storey side extension (amendment to previously approved scheme 20/00089/FUL).
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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.

Preliminary Matters

3. Planning permission was granted for a part two-storey/three-storey side extension.¹ I observed the permission had not been implemented at the time the site visit was conducted. However, it is an extant consent and therefore I have attached appropriate weight to it in this recommendation.
4. The Cheltenham Plan 2020 (Cheltenham Plan) was adopted subsequent to the issue of the decision notice subject of this appeal. Both parties have been consulted as to the effect of the recent Plan adoption on this case. Reference is made to Policy SL1 of the Cheltenham Plan in the appellant's statement. The Council confirmed that Policies CP4 and CP7 of the Cheltenham Borough Local Plan 2006 have now been superseded by Policies D1 and SL1 of the Cheltenham Plan, which it considers are relevant to this case. I have assessed the proposal accordingly.

Main Issue

5. The main issue is the effect of the proposed development on the living conditions of occupiers of No 16, with regards to outlook.

¹ Ref 20/00089/FUL

Reasons for Recommendation

6. The appeal property is a three-storey end of terrace property. It is part of a small estate of similar dwellings formed in an irregular pattern which fit with the slope of the ground in the area. It is situated towards the end of the cul-de-sac where the ground falls away and is set back from, and positioned lower than, the unattached neighbouring property, No 16. Both properties have small gardens to the rear.
7. The proposed development would match the length of the appeal property's side elevation and, due to its stepped back position, would extend along a significant portion of the rear garden of No 16. It would infill the existing gap between the appeal property and No 16 and would result in a tall, imposing solid structure on the party boundary which would be overbearing and dominant in the outlook from the first and second floor windows on the rear elevation of No 16 closest to the appeal property. The proposal would also have a significant enclosing effect upon the rear garden environment of No 16. As a consequence, the rear rooms that these windows serve, and the garden area would be less enjoyable spaces to live in and use.
8. The proposal would have a significantly greater impact on the living conditions of No 16 than the approved extension, which, whilst having a similar footprint and position relative to the party boundary, would be lower thereby having a less harmful effect on the outlook currently enjoyed from the rear rooms and garden of No 16.
9. Whilst I note that there were no objections raised in respect to this proposal from nearby occupiers, this is a neutral factor and I must consider the living conditions of all occupants of the property. I also acknowledge that no concerns were raised in respect of the proposal's impact on the character and appearance of the area, however, this again is a neutral factor as this would be expected of all development proposals such as this.
10. Given my findings I conclude that the proposed development would have a harmful effect on the living conditions of occupiers of No 16 with regards to outlook. It would be contrary to Policy SL1 of the Cheltenham Plan and Policy SD14 of the Gloucester, Cheltenham and Tewkesbury Joint Core Strategy 2017 (JCS) which collectively state that new development will only be permitted where it would, amongst other matters, not cause unacceptable harm to the amenity of adjoining land users and living conditions in the locality.
11. I also find the proposal would be inconsistent with guidance set out in the Cheltenham Local Development Framework Supplementary Planning Document Residential Alterations and Extensions 2008 which seeks to prevent un-neighbourly, poorly designed extensions and alterations to residential properties, and paragraph 127 f) of the National Planning Policy Framework, which requires, amongst other matters that places are created with a high standard of amenity for existing and future users.

Other Matters

12. I have had regard for the terraced properties in the immediate setting of the appeal property. Nos 1-8 appear to be in their original form as a staggered terrace. Such features are therefore not uncharacteristic in the area which is not a matter that is in dispute. However, there is an existing gap above ground

floor level between the appeal property and No 16 and the properties are different in this respect to other nearby dwellings. Therefore, these examples have had limited weight in this appeal.

13. Any small benefits derived by improving the living accommodation of a family home in a principal urban area would not justify the identified harm to the neighbouring occupiers' living conditions which would result from the proposed development. The extant planning permission allows for improvements without such harm arising.

Conclusion and Recommendation

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

A J Sutton

APPEAL PLANNING OFFICER

Inspector's Decision

15. I have considered all the submitted evidence and concur that the appeal should be dismissed.

RC Kirby

INSPECTOR