



Appeal Decision

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

Decision by M Seaton BSc(Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 13 January 2021

Appeal Ref: APP/B1605/D/20/3257854

9 Rolleston Way, Cheltenham GL51 3NJ

- 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 Ms Lidia Szopinska against the decision of Cheltenham Borough Council.
 - The application Ref 20/00860/FUL, dated 31 May 2020, was refused by notice dated 17 July 2020.
 - The development proposed is described as, "Double Garage Wooden with barn doors".
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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 is the relevant part of the text as given in 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: "Erection of a double garage". 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. Subsequent to the determination of the application, the Council adopted a replacement local plan, the Cheltenham Plan (adopted July 2020) ('Local Plan'). Consequently, Policies CP7 and CP4 of the Cheltenham Borough Local Plan Second Review (adopted 2006), referred to in the Council's decision notice, have been superseded by Policies D1 and SL1 of the Local Plan respectively.

Main Issues

5. The main issues are:
 - the effect of the proposal on the character and appearance of the surrounding area;
 - the effect of the proposal on the living conditions of neighbouring residents, with particular regard to accessibility.

Reasons for the Recommendation

Character and appearance

6. The appeal site is a parcel of land located at the end of a parking forecourt in a residential area. An existing open-fronted car port with brick sides and a tiled roof is present on one side of the forecourt. The proposal, for a ready-made wooden double garage with barn doors, would be placed on a level concrete slab at the very end of the forecourt. According to the manufacturer's details, provided by the appellant, the proposed garage would be approximately 5.9 metres wide, 5.5 metres in depth, and 2.95 metres tall.
7. The garage would be primarily composed of timber. As such, its function and materials would not jar with the adjacent existing car port, which incorporates timber trusses and posts, nor with the surrounding wooden fences. Additionally, its pitched roof would mirror that seen on nearby garden sheds and the adjacent car port.
8. According to figures provided by the appellant, which have not been disputed by the Council, the garage would be approximately 1 metre shorter than the existing car port. Nevertheless, I observed that at the scale proposed, it would be far larger than many residential outbuildings in the vicinity as well as markedly higher than the closest boundary fences. Furthermore, its enclosed nature would not blend well with the open car port.
9. As such, it would present as an ungainly structure which would be significantly at odds with its surroundings. Its incongruity would be particularly evident in views from nearby dwellings and for users of the existing car port. Although the garage could be painted in any colour, and lights could potentially be placed on it, this would not off-set the harm identified.
10. I therefore conclude that the proposal would have an unacceptable and harmful effect on the character and appearance of the surrounding area. The proposal would conflict with Policy D1 of the Local Plan and Policy SD4 of the Gloucester, Cheltenham and Tewkesbury Joint Core Strategy 2011 – 2031 (adopted 2017) ('Core Strategy') which collectively seek to ensure that development complements and respects neighbouring development and the character of the locality. 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.

Living conditions

11. Due to the proposed size and position of the double garage, it would prevent the residents of properties to the rear and on one side from exiting their gardens via their rear garden gates, including from any gates that they might wish to install in the future. This would hamper their ability to easily access the forecourt, which could particularly impact individuals with mobility difficulties. I do not consider that this is a purely civil matter, as it would have a material impact on their living conditions.
12. The proposal would also worsen the living conditions of neighbouring residents by making it more difficult for drivers to park in the spaces situated just beyond the car port, and by the removal of a valuable turning place. I have had regard to the arrangements that the appellant has put in place with respect to swapping parking spaces, and I note that access to the corner shed

and the car port would remain, but these factors would not be sufficient to compensate for the harm caused.

13. I therefore conclude that the proposal would have an unacceptable and harmful effect on the living conditions of neighbouring residents, with particular regard to accessibility. The proposal would conflict with Policy SL1 of the Local Plan and Policy SD14 of the Core Strategy, which collectively provide that development will only be permitted where it would not cause unacceptable harm to the amenity of adjoining land users and living conditions in the locality. The proposal would also conflict 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

14. It is recognised that the area immediately to the side of the proposed location for the garage is somewhat unkempt and that the appellant has committed to improving this situation. It is also recognised that the proposal would make use of currently underutilised land which has previously been subjected to anti-social behaviour including illegal dumping of materials and a car. However, there is no evidence before me to suggest that a less harmful scheme could not achieve the same aims.
15. The appellant has referred to the benefits that the garage would bring in terms of enclosed off-street parking provision, and the increased safety and security of the items to be stored within the garage. However, these would mainly be private benefits. Reference has also been made to alleged deficiencies in the size of parking spaces in the local area, but little evidence has been provided to substantiate this. Accordingly, I give all these considerations limited weight.
16. 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

17. 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

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

M Seaton

INSPECTOR