



Appeal Decision

Site visit made on 5 January 2021

by A A Phillips BA(Hons) DipTP MTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 8th February 2021

Appeal Ref: APP/G1630/W/20/3256831

35 Church Road, Bishops Cleeve, Cheltenham GL52 8NE

- 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 Stationwood Property Ltd against the decision of Tewkesbury Borough Council.
 - The application Ref 20/00016/FUL, dated 30 December 2019, was refused by notice dated 16 June 2020.
 - The development proposed is erection of first floor extension to 35 Church Road to provide 3 one bedroomed residential apartments.
-

Decision

1. The appeal is allowed and planning permission is granted for the erection of first floor extension to 35 Church Road to provide 3 one bedroomed residential apartments at 35 Church Road, Bishops Cleeve, Cheltenham GL52 8NE in accordance with the terms of the application, Ref 20/00016/FUL, dated 30 December 2019, subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
 - 2) The development hereby permitted shall be carried out in accordance with the following approved plans: Location Plan LP 100, Proposed Site Plan SP 201, Proposed Ground and First Floor Plans FP 303 Revision A, Proposed Elevations EL 401 Revision C.
 - 3) No development shall take place until details of all external facing and construction materials have been submitted to and approved by the local planning authority in writing. Such details shall include:
 - i. type, colour, texture, size and design of roofing materials;
 - ii. a sample and precise specification of the external render;
 - iii. details of the glass balustrade;
 - iv. details of new external windows and doors (including scaled cross-sections at a minimum scale of 1:2); and
 - v. new windows and doors to be recessed by a minimum of 75mm.The relevant works shall be carried out in accordance with the approved details.

- 4) No part of the development shall be occupied until the bin and secure cycle storage space have been completed in accordance with the approved drawings and that space shall thereafter be kept available for the storage of bins and bicycles.

Application for costs

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

Procedural Matters

3. I have taken the description of the proposed development from the Council's decision notice rather than the application form because the number of proposed residential apartments changed from four to three during the application process.
4. The Council has referred to the Pre-Submission Tewkesbury Borough Plan 2011-2031 October 2019 (the PSTBP) in its first reason for refusal. It is my understanding that this has been submitted for examination and can be given only limited weight since there are outstanding unresolved objections, including specific objections to Policy TRAC9 which is specifically identified by the Council in relation to car parking.
5. As the proposal affects the setting of a listed buildings, I have had special regard to section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990. This states that in considering whether to grant planning permission for a development which affects the setting of a listed building or its setting special regard shall be given to the desirability of preserving the building or its setting.

Main Issues

6. The main issues are:
 - i. whether the absence of dedicated car parking provision and car parking in the area would mean that the development would not function well and the effect on the character and appearance of the area; and
 - ii. the effect of the proposed development on the setting of nearby heritage assets and, in particular the setting of the Grade I listed St Michael and All Angels Church.

Reasons

Site and Surroundings

7. The appeal site is a former bank which is situated at the corner of Church Road and Church Approach. The existing building is a single storey structure constructed of coursed random rubble Cotswold stone with ashlar quoins and a hipped blue slate roof which is situated behind a parapet wall. The building is situated on a prominent corner plot at the heart of Bishops Cleeve, within the service centre of the large village and in an area designated in the Tewkesbury Borough Local Plan to 2011 (March 2006) (the LP) as part of the Church Road 'Retail Area'. In the immediate vicinity of the site are a mix of uses, including residential, commercial and community uses.

8. The appeal property is situated adjacent to the Bishops Cleeve Conservation Area and is prominent within the setting of two listed buildings; namely St Michael and All Angels Church which is a Grade I listed building to the north and the Royal Oak Public House which is a Grade II listed building situated on the opposite side of Church Road.

Proposal

9. The proposal is for a first floor extension above the existing building to provide three one bedroom residential apartments. The extension would be set back from the existing elevations and incorporate a mix of pale render below a slate pitched roof to the front with grey cladding below a flat grey roof to the side and rear of the building.

Highways

10. There is no proposed car parking provision associated with the current proposal. The Council agrees that the site is in a sustainable location within the Rural Service Centre of Bishops Cleeve, but nonetheless considers it important that the right amount of car parking is provided for new residential developments that are likely to generate parking demands.
11. The Council has identified a number of shortfalls in the appellant's transport note, including levels of car ownership, trip generation from the proposed development and the impact of displaced parking. The appellant argues that on-site parking is not required due to the location of the site, access to public transport facilities and car ownership that may be associated with the one bedroom apartments.
12. Although no parking is proposed, the development would have excellent access to many local services and facilities which are in the immediate vicinity of the site, including a range of shops and supermarkets, a post office, bank, library, places of worship, hairdressers, launderette, dentists, pharmacy, health clinic, optician and café, among others. In addition, I have noted that the site is on a main bus route.
13. A car parking plan submitted with the appellant's Transport Note – Car Parking Provision dated March 2020 shows nearby public car parking provision and acknowledges that there is limited long term parking in the vicinity of the site. Therefore, neighbouring streets would need to be used for car parking. Although there are parking restrictions in the locality, I note from the car parking plan and my own observations that within easy walking distance of the site are a number of opportunities for unrestricted parking, which would be available for occupants of the proposed development, should they require it.
14. The Council has stated that the appellant has failed to take account of the potential cumulative effects of the development with residential accommodation at first floor with commercial ground floor use, including the potential for permitted development rights to be used to change the ground floor to alternative uses. However, I do not consider that the cumulative effect is likely to be significant given the potential ground floor use and the presence of other services and facilities in the locality which means that many trips are shared.
15. Therefore, given the access to many services and facilities within easy walking distance and the close proximity to public transport facilities I consider that the

development would have little reliance on private cars in order to function successfully. As such, in these specific circumstances and on the basis of the evidence before me I do not consider that on-site car parking is required in this case. Furthermore, cycle parking is provided in the development to meet sustainable transport requirements.

16. The Council disputes the appellant's heavy reliance on the sustainable location of the site, but in this case I consider that such reliance is entirely reasonable, even when taking account of potential car ownership levels and the relatively heavily trafficked highway near to the appeal site. There is insufficient evidence of existing parking pressure or problems in Bishops Cleeve, nor evidence that the development and associated displaced highway movements would place an unacceptable burden on the surrounding area in terms of how it functions and its overall character. This includes potential conflict with local residents that the Council has identified in terms of conflicts between those searching for parking spaces in local streets.
17. On this issue I conclude that the absence of dedicated car parking provision and car parking in the area does not mean that the development would not function well or have a resultant harmful effect on the character and appearance of the area. As such I find there to be no conflict with the Framework which highlights the need to consider the potential effects of development on the transport network and that parking considerations are integral to the design of schemes. Planning decisions should ensure that developments will function well and should not undermine the quality of life for existing and future residents.

Heritage

18. The Council's reason for refusal refers specifically to the effect of the setting of St Michael and All Angels Church, but also states that the development would result in less than substantial harm to other nearby heritage assets. The Council's Written Statement identifies the other designated heritage assets as the Royal Oak Public House and the Bishops Cleeve Conservation Area.
19. St Michael and All Angels church is a Grade I listed Anglican parish church dating back to around 1160-1190, partly rebuilt in the early fourteenth and seventeenth centuries. It was first listed in July 1960. The tower was built around 1700 by James Hill of Cheltenham and was subsequently restored around 1900 by Henry Prothero. The church is built in ashlar with a stone slate roof. Its form comprises a nave with south porch and transepts, south chapel butting the porch and transept, north aisle, tower over crossing and a chancel. There are two Norman turrets at the west end of the church which would not normally have been found on Parish churches, indicating possible monastic associations. The porch and parclose room above also date back to the Norman period.
20. The significance of the church relates principally to its origins as a twelfth century parish church, its evolution over the centuries and the quality and range of its internal and external architectural and historic features which add to its interest and significance as acknowledged by its Grade I listing. In the context of the proposal before me the church has communal value as a place of worship within the wider historic setting of Bishops Cleeve and therefore it is important to consider how the building is experienced from its surrounding, particularly from the church yard in which it sits. Views of the building and, in

particular, the tower are also particularly important. The church's significance is embodied in its built fabric and detailing which are mainly experienced within the close setting of the churchyard and also in its visual prominence within the settlement.

21. The Royal Oak Public House is a Grade II listed building which is situated immediately south of the appeal site. It was first listed in July 1960 as an early to mid-seventeenth century inn. The building's early range is square panelled timber framing over pebbledash which probably conceals the original timber framing on a pebble dash plinth. It has a thatched roof with decorative ridge thatching and brick stacks. It has later extensions to the rear of the thatched range which are not of special interest. The significance of this building lies mainly in its roadside location within the heart of the village and it being an example of an early to mid-seventeenth century inn with evidence of its original construction and interior features such as spine beams, cross beams and open fireplaces.
22. Bishops Cleeve Conservation Area was designated by Tewkesbury Borough Council in April 1979 and covers a relatively small area around St Michael and All Angels Church in the centre of the village and includes the church yard, a number of properties along School Road, Station Road and Priory Road. The Conservation Area covers a T-shaped street pattern along the east and north side of the church. It is my understanding that all of the buildings in the Conservation Area other than the church and St Michael's Hall are private residential properties. The main public areas are the green spaces by the church and the churchyard is an extensive relatively open verdant area at the heart of the settlement.
23. Views of the church are important as the building dominates the village skyline with glimpses of the church tower from in and outside the Conservation Area. In the Conservation Area there is a mix of detached and semi-detached houses and a group of terraced houses. The skyline comprises relatively low tiled and thatched roofs, chimneys of various heights and styles and trees. Most of the housing was built between the seventeenth and nineteenth centuries and therefore there is variety in terms of buildings and plot sizes. The materials are predominantly Cotswold stone, clay brick and timber framed buildings. Key landscape features within the historic environment include trees, hedges and high dry stone boundary walls.
24. Surrounding the Conservation Area is mainly development from the twentieth century, but there are a number of fine buildings throughout the village, including the Royal Oak Public House. The Church of St Michael and All Angels, the survival of the mediaeval street plan, the number of traditional buildings and the richness of the historic area, much of which dates back to between the seventeenth and nineteenth centuries, all contribute to the significance of the area.
25. The proposal before me is for a first floor extension which was amended during the application process in order to respond to concerns expressed by Council officers. The roof incorporates a pitched as well as flat roofed element and is set back from the original elevations in order to ensure the prominence of the attractive facades of the ground floor. Proposed materials include pale render below the slate pitched roof to the front of the extension with grey cladding beneath the flat grey roof to the side and rear of the extension. Visually, the

palette of materials and their disposition across the first floor extension ensure that the design is compatible with the site's prominent and historically sensitive surroundings and also helps to reduce the visual impact and overall massing of the extension.

26. The proposal would have an effect on the setting of the nearby church and its Conservation Area setting, in particular the churchyard. This is principally a consequence of the appeal site's location to the south of the church and views northwards from the vehicular access to the Tesco car park and the related road junction. Views of the church tower of the are very prominent from vehicular and pedestrian routes around the Tesco car park and the scale of buildings in the vicinity have preserved important views and provide visual glimpses and connections with the mature trees which are contained in the churchyard and are greatly important in contributing to the setting of the Grade I listed church and the Conservation Area.
27. The evidence before me indicates that the Council's concerns relate to the effect of the proposal on the entrance to the churchyard which, at present is relatively open, having the existing single storey commercial building on one side and a one and a half storey residential property and its associated garden on the other. The first floor extension would add some bulk and massing to the appeal building, but it would not constitute an overly visually prominent building in its immediate setting, nor would it dominate the approach to the churchyard. As such it would not harm the way that pedestrians and others experience the approach to the churchyard, the setting of the nearby listed buildings or the Conservation Area.
28. Overall, it is clear to me that the proposal has been carefully and thoughtfully designed and amended to respond to its setting whilst achieving a modern development. It would be an attractive and visually sensitive and interesting scheme which would make a positive contribution to the street scene, including the setting of the Conservation Area and nearby listed buildings, particularly St Michael and All Angels Church and The Royal Oak public house.
29. Given the above I find that the proposal would not have a harmful affect the setting of nearby heritage assets and, in particular the setting of the Grade I listed St Michael and All Angels Church. As such it would satisfy the requirements of the Planning (Listed Buildings and Conservation Areas) Act 1990, the National Planning Policy Framework and would not conflict with Policy SD8 (Historic Environment) of the Gloucester, Cheltenham and Tewkesbury Joint Core Strategy 2011-2031 (the JCS). It seeks, among other things, to ensure that new development makes a positive contribution to local character and distinctiveness and designated heritage asserts and their setting will be conserved and enhanced as appropriate to their significance, and for their important contribution to local character.

Other Matters

30. There is a number of relatively small habitable room windows facing Church Approach, the proposed front flat has a balcony and there are also windows which face the service yard which serves adjacent commercial properties. As a consequence of the separation distances between the proposal and residential properties on Church Approach and Church Road there would be no direct overlooking of windows. There may be some degree of overlooking of gardens and parking areas, but at my site visit I observed that there is already

overlooking of these spaces from the first floor windows of adjacent properties. Consequently, I do not consider that the proposal would result in unacceptable overlooking, loss of privacy or give an undue sense of enclosure. As such it accords with the provisions of Policy DS14 of the JCS.

31. Some concern has also been expressed with reference to the lack of outdoor amenity space proposed. The site is in a highly accessible location with many local facilities and services within easy walking distance. This includes community facilities, open spaces and sports pitches in addition to shops, schools, places of worship, public houses and public transport. In this particular case and in this set of circumstances, the advantageous sustainable location of the site outweighs concerns regarding the provision of areas of private amenity space for each of the relatively small flats. Furthermore, it is my understanding from the evidence before me that the proposed flats meet the required space standards.
32. I have noted the appellant's observations on the Council's acknowledges shortfall in five year housing land supply but given my conclusions on the main issues I do not find that to be determinative in this case.

Conclusions and Conditions

33. For the above reasons and having regard to all other matters raised I conclude that, subject to conditions, the appeal should be allowed. I have both the considered and grounds for the conditions suggested by the Council in accordance with the tests set out in the Framework.
34. In addition to the standard three year time limit, a condition requiring the development to be carried out in accordance with the plans is necessary to ensure that it is implemented as approved.
35. A condition requiring the submission and agreement of materials to be used in the construction of the proposal is required to ensure the appearance and construction of the extension is of a suitably high standard.
36. Finally, a condition requiring the provision of bin and cycle storage is required in order to ensure the development does not have an adverse impact on the street scene and the Conservation Area.

A A Phillips

INSPECTOR