



---

## Appeal Decision

Site visit made on 7 June 2021

**by Benjamin Webb BA(Hons) MA MA MSc PGDip(UD) MRTPI IHBC**

**an Inspector appointed by the Secretary of State**

**Decision date: 14 June 2021**

---

**Appeal Ref: APP/B1605/W/21/3268595**

**1-2 Montpellier Walk, Cheltenham GL50 1SD**

- 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 Posy and Akela Limited against the decision of Cheltenham Borough Council.
  - The application Ref 20/00914/FUL, dated 5 June 2020, was refused by notice dated 21 December 2020.
  - The development proposed is described as refurbishment of 2nd floor apartment including new mansard roof window.
- 

### Decision

1. The appeal is allowed and planning permission is granted for refurbishment of 2nd floor apartment including new mansard roof window, at 1-2 Montpellier Walk, Cheltenham GL50 1SD, in accordance with the terms of the application, Ref 20/00914/FUL, dated 5 June 2020, 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: 2485-001 Rev. A; 2485-002 Rev. A; 2485-101 Rev. B.

### Main Issue

2. The main issue is the effect of the development on the living conditions of occupants of No 1-2, potential occupants of Hanover House, and occupants of other nearby buildings having regard to privacy.

### Reasons

3. The end of the building in which No 1-2 is located is embellished by two projecting bays featuring mansard roofs. There is a gap of around 7 metres between. The proposed mansard roof window would be positioned on the inner face of one of these projecting bays, and would face towards an existing window within the roof of the second bay. The latter is located within a part of the building known as Hanover House.
4. Policy SL1 of the Cheltenham Plan (the CP) states that development will only be permitted where it will not cause unacceptable harm to the adjoining land users and living conditions in the locality. The supporting text further explains that in determining privacy for residents a minimum distance of 21 metres

between dwellings which face each other where both have windows with clear glazing will be applied.

5. The shape and design of the 2 bays differs. Whereas the proposed window would be positioned within a reasonably straight section of roof, the roof of Hanover House curves. The windows would not therefore be parallel. Hanover House additionally features a substantial parapet into which gaps are cut in front of each of the mansard windows. The gaps are in turn filled with heavy iron grilles. These grilles, together with the parapet act to both obscure the windows, and to limit their outlook. The above points mean that no clear lines of sight would exist between the proposed window and the existing window at Hanover House, or vice versa. The privacy of occupants of No 1-2, and of Hanover House, should the latter also see residential use, would not therefore be subject to any unacceptable harm.
6. Views between the proposed window and windows at a similar level within the building opposite would involve oblique lines of sight. Moreover, other existing windows with more direct lines of sight are already positioned far closer. As such, a degree of mutual intervisibility between windows at distances below the generic 21 metre standard is an established feature of the immediate setting. Within such an environment, the negligible increase in intervisibility that would arise from the development would not cause any unacceptable harm.
7. My findings above indicate that no unacceptable harm to adjoining land users and living conditions in the locality would result from the development. Consequently, the objective set out within the main text of Policy SL1 would be met regardless of the scheme's lack of compliance with the 21 metre standard.
8. For the reasons outlined above I conclude that the development would not cause any unacceptable harm to the privacy of occupants of No 1-2, potential occupants of Hanover House, or to occupants of other nearby buildings. The development would therefore comply with Policy SL1 of the CP considered as a whole, and as outlined above, and Policy SD14 of the Joint Core Strategy, which similarly seeks to safeguard the amenity of neighbouring occupants from unacceptable harm.

### **Other Matters**

9. The appeal property forms part of 1-23 Montpellier Walk and Hanover House, which is a Grade II\* listed building. It is therefore necessary to have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses. As the listed building is additionally located within Cheltenham's Central Conservation Area (the Conservation Area), it is also necessary to pay special attention to the desirability of preserving or enhancing the character or appearance of the Conservation Area.
10. Insofar as it is relevant to this appeal, the significance and special interest of the listed building lies in its formal early/mid-nineteenth century classical design and detailing, incorporating both commercial and residential components, its intactness, scale, visual prominence, and group value with other broadly contemporary components of the surrounding townscape. Again, insofar as it is relevant to the appeal, the significance of the Conservation Area lies in the historic layout of the surrounding townscape which is characterised by predominantly Regency buildings, including complete and uniform terraces.

In this regard the listed makes a positive contribution to the broader significance of the Conservation Area.

11. The proposed window would match existing windows in the mansard, and would be positioned above a blind window opening. In this regard its positioning and appearance would be typical of the established arrangement. Integration would thus be successfully achieved, and here I also note that listed building consent has already been separately granted. a comprehensive range of conditions.
12. In view of the above I am satisfied that the special interest of the listed building and the character and appearance of the Conservation Area would be preserved, and that the significance of each would be conserved.

### **Conditions**

13. I have imposed standard conditions setting out the time period for commencement and identifying the approved plans for sake of certainty.
14. I have not imposed a condition requiring further approval of window, balustrade, flue and vent details, as all these matters are covered by a condition already imposed on the related listed building consent. That being so, there is no need for duplication.

### **Conclusion**

15. For the reasons set out above I conclude that the appeal should be allowed.

*Benjamin Webb*

INSPECTOR