



Appeal Decision

Site Visit made on 8 June 2021

by Tamsin Law BSc MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 01 July 2021

Appeal Ref: APP/F1610/W/21/3268077

The Old Dairy, 29 Chesterton Lane, Cirencester, GL7 1XQ

- 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 Michael Poole against the decision of Cotswold District Council.
 - The application Ref 20/02207/FUL, dated 5 January 2021, was refused by notice dated 7 January 2021.
 - The development proposed is the conversion of existing garage outbuilding to one bedroom dwelling.
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Decision

1. The appeal is dismissed.

Procedural Matter

2. The application date is taken from an amended application form which superseded the original form.

Main Issues

3. The main issues are:
 - Whether the proposal would provide satisfactory living conditions for future and neighbouring occupiers; and
 - The effect of the proposal on the character and appearance of the area.

Reasons

4. The appeal site is in a predominantly residential suburban area with a variety of styles of houses fronting on to Chesterton Lane, whilst opposite the appeal site lies a row of shops. The surrounding area is characterised by dwellings on long plots with garden/parking to the front and outbuildings to the side and rear. Both the appeal site and its neighbour, No. 31 Chesterton Lane, have large outbuildings located to the rear of their garden accessed via existing accesses.

Living conditions

5. The proposal involves the conversion of an existing garage in the rear garden of No. 29 Chesterton Lane. The proposal would only have openings on its front elevation, with the kitchen/dining area, lounge and office looking onto private outdoor space which doubles as a parking and turning area. No windows are proposed for the bathroom and the bedroom will gain natural light from sun tunnels. To delineate between the proposal and No.29 it is proposed to install a

- 2.4 metre high timber fence and gate. The outlook from the living areas would be into the access/parking area and towards the fence.
6. No. 29 will retain a garden area to the rear and the proposal will have associated amenity space to the front in the form of an access/parking area, however the distance between the dwellings will only be approximately 17.7 metres. In order to ensure proposals protect the privacy of existing and future occupiers Appendix D of the Local Plan¹ (LP) contains the Cotswold Design Code (DC) which provides key design considerations for development proposals and advises that the minimum distance between facing windows of one and two storey dwellings should be no less than 22 metres.
 7. During my site visit I noted that the first floor windows of No. 29 are readily visible from within the proposed private amenity space and front elevation of the proposal. A 2.4 metre fence has been proposed to mitigate for a loss of privacy, however the windows of No. 29 would still overlook the proposal and its amenity space. As the only windows to the proposal are on the front elevation and the only amenity space is to the front, the overlooking from No. 29 would significantly impact on the privacy of future occupiers. Whilst the proposal would not lead to the loss of privacy for nearby residents, its proximity to No. 29 and associated overlooking, would not provide appropriate living conditions for future occupiers of the proposed dwelling with regards to privacy. Furthermore, due to the small scale of the proposed private amenity space, the provision of the 2.4 metre fence to the front of the proposal would create a dominant and oppressive feature which would have an overbearing effect upon outlook from both the proposed dwelling and its associated amenity space.
 8. The Council have also raised concern regarding the size of the associated garden and impacts of vehicular noise on neighbouring residents. The DC advises that gardens should be relative to the scale of the proposal and I am satisfied that, whilst the area is small, it is of a sufficient scale for future occupants to park vehicles and have an area of garden, albeit paved. I am mindful that currently the building is a garage with an associated drive which can be utilised for the host dwelling. The provision of a one bedroom dwelling would only generate a small amount of additional vehicle movements, and I do not consider that this minor increase would harm the amenity of nearby residents.
 9. For the foregoing reasons I conclude that, whilst the proposal would not harm the living conditions of nearby residents, it would have a harmful effect on the living conditions of future occupiers of the proposal in terms of privacy and outlook. The proposal is therefore contrary to the LP policy EN2 and the DC which seek, amongst other things, to ensure adequate privacy is provided and that the amenity of dwellings is respected. The proposal is at odds with the advice set out in para 127 of the Framework with regards to amenity for existing and future users.

Character and appearance

10. As the proposal would not directly address a street frontage and is located at the end of the garden of No. 29, it essentially represents a backland form of

¹ Cotswold District Local Plan 2011 – 2013 (Adopted 3 August 2018)

development. I do not disagree with the Council that the prevailing pattern of development in the wider area is of frontage dwellings facing on to Chesterton Lane. The neighbouring dwelling benefits from a large outbuilding that the Council confirms has been converted to habitable space and they also confirm that permission has been granted nearby for a dwelling in the rear garden. As observed on site, there are other buildings in the rear of gardens, and therefore built development in such locations cannot be discounted as entirely uncharacteristic of the area. Due to the location of the proposal and its single storey nature the site is not readily visible from the surrounding area. In this regard, combined with existing development in nearby rear gardens, I am satisfied that the conversion of the garage would not have an adverse effect on the character and appearance of the area.

11. I note the Council's comments regarding the design of the proposal; however, the building is existing, and the alterations proposed mainly relate to the removal of garage doors and replacement with glazed double doors and rendering/cladding. Indeed, the rendering and cladding of the concrete blockwork with timber will improve the appearance of the existing building and would not detract from the character and appearance of the area.
12. For the reasons set out above, the proposal would not result in a form of development which would have a harmful effect on the character and appearance of the area. Accordingly, I find no conflict with LP policy EN2 or the DC which seek, amongst other things, to ensure that proposals respect the character and distinctive appearance of the locality. The proposal also complies with the advice set out in paragraph 127 of the Framework with regards to character and appearance.

Conclusion

13. For the reasons given above I conclude that the appeal should be dismissed.

Tamsin Law

INSPECTOR