



Appeal Decision

Site visit made on 22 December 2021

by Lewis Condé BSc (Hons), MSc, MRTPI

an Inspector appointed by the Secretary of State

Decision date: Wednesday 19 January 2022

Appeal Ref: APP/F1610/D/21/3285360

19 St Michaels Road, Cirencester, Gloucestershire GL7 1EW

- 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 Ritchings against the decision of Cotswold District Council.
 - The application Ref 21/02880/FUL, dated 20 July 2021, was refused by notice dated 15 September 2021.
 - The development proposed is a two storey rear extension.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The postcode above is as shown on the application form. However, I note that a different postcode, GL7 1NB, was used on the other appeal documents and this appears to be the correct postcode. I have decided the appeal on this basis.

Main Issues

3. The main issues are:
 - The effect of the proposal on the character and appearance of the host property and the wider surrounding area; and
 - The effect of the proposal on the living conditions of the occupiers of the host property, with particular reference to outdoor private amenity space

Reasons

Character and appearance

4. The appeal property is a semi-detached dwelling, located on St Michaels Road. It is a residential street containing predominantly modest sized, 2 storey terraced houses. The appeal dwelling and its front garden are set in an elevated position above St Michaels Road and is notably higher than properties on the opposite side of the street. Additionally, the levels gently rise across the site towards the rear.
5. A pedestrian footpath is in very close proximity to the rear boundary of the appeal site and provides access to the front of properties on Rutland Place, as well as a route to private garages and a parking area behind the site. Consequently, the rear of the appeal site is highly visible from public vantage points.

6. The appeal scheme would extend the building considerably, with its footprint rivalling that of the original dwelling. In addition, the scale and bulk of the extension is substantial, against the comparatively modest host dwelling, and would result in a scheme that dominates the original building.
7. The limited depth of the rear garden of the appeal site would also result in the proposals extending in close proximity to its rear boundary. This would cause the scheme to appear cramped within its plot. This cramped appearance would be further emphasised by the proposed retention of an existing outbuilding in the rear garden.
8. The extension would be clearly visible from Rutland Place to the rear. Therefore, despite the use of sympathetic materials and being located to the rear of the property, the bulk of the proposal would remain dominant within the local area. Whilst reasonably localised in its extent, the effect of the scheme would be to unacceptably diminish the character, appearance, and integrity of the host building, with consequent harm to the character and appearance of the surrounding area.
9. My attention has been drawn by the appellant to the fact that the adjacent properties at 17 and 21 St Michaels Road have been extensively extended in the past. However, these nearby extensions do not appear to necessarily constitute examples of sympathetic development in a residential area and do not therefore justify the appeal proposal. I have considered the appeal scheme on its own planning merits.
10. I therefore conclude that the proposal would have a harmful effect on the character and appearance of the host property and the wider surrounding area. The proposal would be contrary to Policy EN2 of the Cotswold District Local Plan 2011-2031 (the Local Plan), which seeks for design quality to respect the character of its locality and to accord with the Cotswold Design Code. Notably, amongst other things, the Design Code seeks for the scale and proportions of extensions to appropriately relate to their host buildings.

Living Conditions

11. In refusing the development the local planning authority (LPA) has identified that the proposal would result in the loss of a significant area of external amenity space to the rear that is deemed the most private available at the site.
12. The rear garden is modest in depth and given the changes in levels at the site, a significant proportion of the garden is terraced up to the boundary with the public highway beyond. In addition, the existing outbuilding in the rear garden further reduces the size of the space. Consequently, the rear garden contains limited, practical, useable space.
13. Furthermore, pedestrians using the footpath that runs behind the property are afforded views of almost the entire rear garden. This is due to the highway being sited at a higher level and its proximity to the boundary of the appeal property. There are also dwellings on Rutland Place to the rear that are slightly elevated. Although these dwellings are not directly behind the appeal site, their first-floor windows appear to have oblique views of the site's rear garden and at the very least provide a perception of overlooking. Therefore, despite being located to the rear, this area of the garden does not have a high level of privacy.

14. The appellant has indicated that the side and front gardens provide more private and suitable outside amenity space. From my site visit it appeared that these spaces were highly used, with children's play items and other items to be found within the side and front garden areas. It was also evident that these spaces were set at a higher level than St Michaels Road and behind mature evergreen shrubbery. As such, the front and side garden benefited from a greater degree of privacy from public vantage points than the property's rear garden.
15. The front and side gardens remain overlooked by first floor windows of properties on the opposite site of St Michaels Road, however, these are set some distance away. I also noted that the front garden of the appeal site contains some mature trees, that when in leaf would offer a further degree of privacy to the front and side gardens. Some degree of overlooking of garden space should also be expected in an area of semi-detached and terraced properties with modest gardens.
16. Overall, I do not consider the loss of external amenity space to the rear would result in an unacceptable effect on the living conditions of the occupiers of the host property. This is due to the limited practicality and privacy that the space currently enjoys, alongside the availability of suitable, useable garden space at the side and front of the property. I therefore conclude that the proposal would not have a harmful effect on the living conditions of the occupiers of the host property, with particular reference to outdoor private amenity space.

Other Matters

17. The appellant has raised that the planning officer's report states that an objection was received from Cirencester Parish Council but that this was not published online. It is unclear from the appellant's statement whether this is a reference to the objection not being published on the LPA's website and/or the Parish Council's own website. Despite the appellants concerns, I have no reason to believe that the LPA's reference to an objection received from the Parish Council is inaccurate. However, in any case, my decision has been based on the merits of the proposals.
18. An alternative designed scheme has been referenced in the planning officer's report as potentially being more appropriate, while it has also been referred to in the appellant's statement when seeking to instead justify the appeal submission. No plans or further details of alternative designs have been provided and therefore my decision is made based on the information before me.

Conclusion

19. I therefore conclude that while the loss of the rear amenity space would not cause harm, this does not outweigh the harmful effect of the proposal on the character and appearance of the host dwelling and surrounding area.
20. For the reasons given above, having considered the development plan as a whole and all other relevant considerations, I conclude that the appeal should be dismissed.

Lewis Condé

INSPECTOR