

Appeal Decision

Site visit made on 11 January 2022

by Martin Allen BSc (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 9 February 2022

Appeal Ref: APP/F1610/W/21/3278960

Garage at 15 Main Street, Coln St Aldwyns, Gloucestershire, GL7 5AN

- 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 Ben Court against the decision of Cotswold District Council.
 - The application Ref 20/02709/FUL, dated 5 August 2020, was refused by notice dated 19 May 2021.
 - The development proposed is the change of use of a residential garage to a holiday let and associated external alterations.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. I have taken the description of development from the appeal form, as this accurately reflects the proposal, as amended.

Main Issues

3. The main issues are:
 - The effect of the proposal on the living conditions of nearby occupiers, with particular regard to noise, disturbance and loss of privacy,
 - The effect of the proposal on the character and appearance of the area, bearing in mind the sites location within the Coln St Aldwyns Conservation Area and the setting of nearby listed buildings,
 - The effect of any cumulative increase in holiday accommodation at this location, and
 - Whether occupiers of the proposed unit would experience satisfactory living conditions, with particular regard to internal space provision and light.

Reasons

Living conditions of nearby occupiers

4. The existing garage building is located within close proximity to a number of existing dwellings, including Swan Cottage which is located to the rear of the appeal site and Rosamundi, the end of terrace property to the south. The parking area for the proposed unit of holiday accommodation would be to the front, adjacent to the highway. Directly alongside this area are two side

elevation windows of Rosamundi, serving a living room to the ground floor and a bedroom above.

5. While I accept that the parking area currently exists, it serves a domestic outbuilding used for garaging purposes. The proposed development would result in a marked and substantial increase in the likely comings and goings of vehicles to the site. This is likely to be particularly noticeable for the occupiers of Rosamundi given the positioning of the side windows. Even accepting that the location is adjacent to a highway where there will be a level of disturbance from passing traffic and the existing use of the parking area, the introduction of additional vehicles undertaking parking manoeuvres, the closing of vehicle doors and general activity associated with arriving at and leaving the proposed unit of accommodation, would be much more intrusive than traffic passing the front of the property along the street.
6. Moreover, there would be direct views, at close quarters, from the parking area towards the ground floor window of Rosamundi, which serves a living area. This results in the significant potential for persons within the parking area to see directly into the internal space, reducing the privacy afforded to the occupiers of the property. While there are also windows serving this area located directly alongside the footway, the occurrence of persons passing the front of the property is unlikely to have the same effect as those within the parking area.
7. In respect of Swan Cottage, there is some separation between this property and the parking area. Additionally, all side windows that would face this dwelling are proposed to be non-opening and obscurely glazed. As a consequence, there would not be any unacceptable effect on the living conditions of the occupiers of this property.
8. I therefore find that the proposed development would have unacceptable effects on the living conditions of the occupiers of Rosamundi, due to an increase in noise and disturbance, as well as due to a loss of privacy. Accordingly, the proposal conflicts with the living condition protection aims of the National Planning Policy Framework (the Framework).
9. The Council has referred me to Policy EN2 of the Cotswold District Local Plan (adopted 2018) (the Local Plan), specifically to minimum distances between windows. While there is no conflict with this detail, I have found harm to living conditions above that conflicts with the Framework.

Character and appearance

10. The site lies within the Coln St Aldwyns Conservation Area. I observed that the significance of this designated heritage asset is, in part, due to the quality and traditional detail of the design of the buildings located within the vicinity of the appeal site. This created a charm and intimacy to the locality, that is reinforced by the positioning of buildings along the highway.
11. To the south of the site also lies a terrace of properties, comprising Numbers 8 to 14 Main Street as well as Rosamundi, which are Grade II listed. The significance of this designated heritage asset lies, in part, in it being a terrace dating from the mid-seventeenth to the early-nineteenth century, which despite being of mixed architectural interest, the totality of the terrace results in a picturesque effect along the east side of the street.

12. The appeal site comprises an existing garage building and its associated parking area to the front, alongside the highway. The appeal scheme proposes the removal of the two garage doors to the front elevation and their replacement with glazed and timber boarded panels. These additions would appear as appropriate and minor changes to the visual appearance of the site. The subservient appearance of the building would be maintained, and it would not appear any more assertive within the streetscene than the existing development. Furthermore, there would be no features that would reinforce any separation from the surrounding buildings and as such the building would not appear as a disconnected or incongruous element.
13. Therefore, the character and appearance of the area, including that of the conservation area, together with the setting of the nearby listed terrace would be preserved. Accordingly, I find no conflict with policies EN2, EN10 and EN11 of the Local Plan, insofar as they seek to ensure that development respects the character and distinctive appearance of a locality, as well as that designated heritage assets and their settings are preserved. There would also be no conflict with the design or heritage asset protection aims of the Framework.

Effect of any cumulative increase in holiday accommodation

14. The Council raise concern in respect of the effect of the cumulative number of units of holiday accommodation within the village, arguing that around 13.5% of properties comprise holiday units. In respect of the contention that the scheme would be harmful to the social cohesion of the village community, no compelling evidence has been provided to show that this would be the case. I am also mindful that the scheme would not result in the loss of a dwelling, being a conversion of a garage, but would be an additional unit of accommodation within the village. As such, I find that I am not convinced by the adducing of any cogent evidence that there would be a detriment to social cohesion. Furthermore, the scheme would help to support services in the community, albeit to a small degree, and I have found above that there would be no harm to the character of the settlement.
15. Accordingly, I find that the effect of any cumulative increase in holiday accommodation resulting from this proposal at this location would be acceptable. Thus, there would be no conflict with policy DS3 of the Local Plan which seeks to avoid adverse effects from small-scale residential development.

Living conditions of occupiers

16. The Council highlights that the internal floor area would extend to 48m², whereas the Nationally Described Space Standards (NDSS) for housing require that a unit of accommodation for two persons, containing one bedroom and arranged over two floors should provide a floor area of 58m². While I note that policy H1 of the Local Plan requires that new housing comply with the NDSS, I am also conscious that policy EC11, which more specifically deals with tourist accommodation, contains no requirement to meet the NDSS. The reasoned explanation to this latter policy also highlights that self-catering holiday units will often not need to be designed to the same requirements as permanent homes. As such, the use of the building as holiday accommodation, which could be secured by planning condition, would in my view provide adequate floor area for the proposed use.

17. I also note the Council's concern in respect of the provision of light to the internal accommodation. However, given the proposed large areas of glazing to the front elevation, which would not be significantly impinged on by the presence of parked cars, together with the provision of rooflights to the rear, that would serve the ground floor kitchen area and the first-floor bedroom, I find that the accommodation would benefit from adequate light provision. In respect of ceiling height within the first-floor bedroom, following my site visit I consider this also to be adequate for the proposed use.
18. Accordingly, I find that the living conditions of the occupiers of the holiday accommodation would be acceptable. Therefore, the scheme does not conflict with policies H1 or EC11 of the Local Plan, with regard to the living conditions of occupiers. There would also be no conflict with the living condition protection aims of the Framework.

Other Matters

19. I acknowledge that there would be economic benefits arising from the scheme. However, these would be modest and not sufficient to outweigh the harm that I have identified.

Conclusion

20. While I find that the proposal would not result in a harmful effect in respect of a number of the identified main issues, there would be harm to the living conditions of neighbouring occupiers. This harm is decisive.
21. For the reasons given above, and having regard to all other matters raised, I conclude that the appeal should be dismissed.

Martin Allen

INSPECTOR