



Appeal Decision

Site visit made on 15 February 2022

by Oliver Marigold BSc DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 4th March 2022.

Appeal Ref: APP/B1605/W/21/3286594

35 Hicks Beach Road, Cheltenham GL51 0JL

- 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 Mrs K Johnson against the decision of Cheltenham Borough Council.
 - The application Ref 21/00184/FUL, dated 14 January 2021, was refused by notice dated 17 May 2021
 - The development proposed is the erection of a new dwelling.
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Decision

1. The appeal is dismissed.

Main Issue

2. The main issue is the effect of the proposal on the character and appearance of the area.

Reasons

3. The appeal site lies within a residential suburban part of Cheltenham. Dwellings locally take a variety of forms, including low-density semi-detached houses and bungalows, such as those opposite the appeal site on Hesters Way Road and Wentworth Road.
4. That said, the terraces on Hicks Beach Road and Hesters Way Road form part of a housing development with a distinct character. The pattern of development here is denser with terraces laid out in a planned and ordered way. Dwellings are set back from the road using straight lines and right angles, giving strong building lines.
5. The appeal site is an end-of-terrace dwelling, located on a corner plot. The proposed dwelling's location would be consistent with the building line on Hicks Beach Road but would significantly exceed that formed by the terrace behind on Hesters Way Road.
6. I am mindful of the guidance in the Council's Supplementary Planning Document 'Development on Garden Land and Infill Sites in Cheltenham', adopted 2009 (the SPD). In particular, it advises that "where there is a predominant building line, new frontage development which departs from this will not normally be accepted".
7. The new dwelling would have its side elevation facing Hesters Way Road. This would reflect the existing situation and the fact that side elevations on corners are prominent in the street scene. Therefore, I do not consider it necessary for

the dwelling to 'turn the corner' by having a second primary frontage, as suggested by the Council. Nevertheless, the side elevation still constitutes a secondary frontage development to Hesters Way Road. By departing from the established building line on Hesters Way Road, the proposal conflicts with the SPD's advice.

8. The appeal site is bounded by tall hedging that would remain following completion of the development. This makes the plot more enclosed than others and would soften the proposal. Even so, the proposed dwelling's necessary size and height means that it would appear prominent, incongruous and out of place in the street scene, significantly harming its character and appearance particularly from the junction between both roads, and when viewed along Hesters Way Road.
9. The appellant has drawn my attention to examples of what they consider to be similar development in Cheltenham, that the Council has approved. These are at 15 Waterloo Street¹ and 18 Wentworth Road². The background to these cases has been provided to me and I saw the sites on my visit.
10. In the case of 15 Waterloo Road, the approved dwelling is an extended terrace perpendicular to the adjacent road, so in that respect is similar to the appeal proposal. However, I saw that the surrounding area is not the same as the appeal site, with the relevant building line being much less consistent. In respect of 18 Wentworth Road, as I have described above, this area has a different character to the appeal site, being less dense, which limits the extent of useful comparison that can be drawn. Neither example convinces me that the harm I have identified is justified and, in any case, I have considered the appeal proposal on its own merits.
11. I recognise that the dwelling's roof line and materials would reflect the existing terrace row on Hicks Beach Road itself. I also appreciate that the site would make efficient use of land within the Principal Urban Area, and that the principle of a new dwelling here is not at issue.
12. Nevertheless, I conclude that the proposal would harm the character and appearance of the area. As such, it would be contrary to the Development Plan, specifically adopted Policy D1 of the Cheltenham Plan, and adopted Policy SD4 of the Gloucester, Cheltenham and Tewkesbury Joint Core Strategy 2011-2031, as well as the SPD, all of which require that development respects the character of the site and its surroundings. For similar reasons it would also conflict with the advice in the National Planning Policy Framework (the Framework) that development is sympathetic to local character.
13. The Council accepts that it cannot currently demonstrate a five-year housing land supply. As such, it is necessary for me to determine whether the adverse impacts of the development would significantly and demonstrably outweigh the benefits inherent in providing an additional dwelling to assist the Council in addressing its undersupply, as set out in paragraph 11 of the Framework.
14. The proposal would make a positive contribution to the supply of housing in the area and its future occupants would make positive social and economic contributions. However, due to the proposal being for only a single dwelling,

¹ Reference 18/00746/FUL

² Reference 20/02242/FUL

such benefits would be very limited. Given the harm that I have identified, I consider that the adverse impacts of granting permission, with regard to the harm it would have on the character and appearance of the area, would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework as a whole.

Conclusion

15. For the reasons given above, having considered the Development Plan as a whole and all material considerations, including the Framework, the appeal should be dismissed.

Oliver Marigold

INSPECTOR