



Appeal Decision

Site visit made on 19 July 2022

by Juliet Rogers BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 04 August 2022

Appeal Ref: APP/G1630/D/22/3300467

2 Denley Close, Bishops Cleeve, Glos GL52 8EG

- 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 and Mrs Gavin Cupit against the decision of Tewkesbury Borough Council.
 - The application Ref 22/00096/FUL, dated 7 January 2022, was refused by notice dated 5 May 2022.
 - The development is a proposed studio/study above the existing detached garage.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. Following the Council's decision on the appeal application, the Tewkesbury Borough Plan 2011-2031 (TBP) has been adopted (June 2022). As a result, the Saved Policy HOU8 of the Tewkesbury Borough Local Plan to 2011 (March 2006), referred to in the Council's decision notice, has now been replaced with Policy RES10 of the TBP.
3. The appellant has submitted amended plans with the appeal that alter the scale of the development. Whilst it may be the case these were submitted to the Council before the decision notice was issued, I have no evidence before me confirming this. Therefore, I have not considered the amended plans as part of the appeal as they would materially alter the nature of the proposal and would prejudice the interests of interested parties¹. To clarify, my decision is based on the drawings provided with the questionnaire submitted by the Council.

Main Issues

4. The main issues of this appeal are the effect of the development upon;
 - the character and appearance of the area.
 - the living conditions of the occupiers of 1 Kayte Close (No. 1), with particular reference to daylight and outlook.

¹ Annex M of the Procedural Guide Appeals – England advises that the appeal process should not be used to evolve a scheme and it is important that what is considered by the Inspector is essentially what was considered by the local planning authority, and on which interested people's views were sought.

Reasons

Character and appearance

5. The appeal site comprises a two storey semi-detached house and a detached, flat roofed double garage, located at the end of a short section of Denley Close. The surrounding area is characterised by detached and semi-detached single and two storey properties, many with detached single storey garages.
6. Whilst the garage forms the end of the vista along Denley Close, its simple, flat roof design means it is subservient to nearby houses. Although described by the appellant as a small proposal, due to the pitched roof design, increased height and windows in the upper floor, the development would introduce a new building form into the area and have the appearance of a detached house when viewed along Denley Close. As a result of its scale and position, despite the use of matching materials, the enlarged garage would appear unusually prominent and fail to respect the characteristics of the streetscene.
7. Therefore, I conclude that the development would unacceptably harm the character and appearance of the surrounding area. In these respects, it would be contrary to Policy SD4 of the Gloucester, Cheltenham and Tewkesbury Joint Core Strategy 2011-2031 (December 2017) (JCS) and Policy RES10 of the TBP. These policies seek to ensure new development, including extensions, are appropriate to the character and appearance of the area.
8. Similarly, I find conflict with the principles within the National Planning Policy Framework (the Framework) which, amongst other things, seek to ensure good design that is sympathetic to the local area.

Living conditions

9. The back of the garage is located close to the boundary of No.1. With a modest garden depth, the rear elevation of No.1 includes windows at ground and first floor level. Given its proximity to the rear elevation of No.1 and increased height as a result of the development, the garage would be clearly visible and an intrusive and overbearing feature in the outlook from the windows of No.1 facing towards Denley Close.
10. The existing side boundary of No.1 comprises hedging behind a high wall which already cause a degree of overshadowing. However, the height of the proposed ridgeline would exceed these boundary features and so the development would significantly reduce the levels of light that could reach the ground and first floor windows of No.1. This would result in an unacceptable reduction to the levels of daylight enjoyed by the neighbouring occupants.
11. For these reasons, I conclude that the development would unacceptably harm the living conditions of occupiers of No.1 with regard to outlook and daylight, in conflict with Policies SD4 and SD14 of the JCS, and Policy RES10 of the TBP. Amongst other things, these policies ensure that the living conditions of neighbouring occupiers are not unduly harmed by a proposal.
12. In the decision notice the Council also refers to a specific paragraph of the Framework (2019). As the Framework was updated in 2021, I have based my assessment upon the current version. I also find conflict with the principles of the Framework which seek to ensure development achieves a high standard of amenity for existing and future users or property.

Other Matters

13. I acknowledge the development would provide additional space for the occupiers of the property and recognise its design, with no windows proposed in the rear elevation of the garage, would not cause a loss of privacy to occupiers or No.1. However, these matters do not address or outweigh the harm I have identified above.
14. Whilst I am unaware of the specific circumstances of the case, the scale of the extension at No.1 and its relationship with the original dwelling, significantly differs from the appeal development. Regardless, any direct comparison with other examples does not indicate that the form of the development would sit comfortably within the streetscene, nor does the existence of other examples justify further harm.
15. Even if the occupiers of No.1 had submitted a comment in support of the development, this would not change my assessment of the scheme. Similarly, whilst there were no third party objections to this development and the Parish Council has submitted a supporting comment, these matters, individually or combined, do not justify allowing the development.

Conclusion

16. The proposed development conflicts with the development plan when considered as a whole and there are no material considerations, either individually or in combination, that outweigh the identified harm and associated development plan conflict. Therefore, the appeal is dismissed.

Juliet Rogers

INSPECTOR