



Appeal Decision

Site visit made on 16 August 2022

by Martin Allen BSc (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 14 October 2022

Appeal Ref: APP/G1630/W/22/3294352

The Old Stores, Toddington, Cheltenham GL54 5DT

- 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 William Down, JWS Cotswold Builders Ltd against the decision of Tewkesbury Borough Council.
 - The application Ref 21/00954/FUL, dated 22 July 2021, was refused by notice dated 16 February 2022.
 - The development proposed is the demolition of single storey extension to The Old Stores, sub-division and 2 storey rear extension to the Old Stores, 3No new dwellings and associated garaging/carport and new access roadway.
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Decision

1. The appeal is dismissed.

Procedural Matter

2. Since the refusal of planning permission, the Council has adopted The Tewkesbury Borough Local Plan (June 2022) (the Local Plan). The emerging policies referred to by the Council are therefore now adopted policies. The appellant has been provided with the opportunity to comment on this and I have considered these now adopted policies when making my decision.

Applications for costs

3. An application for costs was made by Mr William Down, JWS Cotswold Builders Ltd against Tewkesbury Borough Council. This application is the subject of a separate Decision.

Main Issues

4. The main issues are:
 - The effect of the proposal on the character and appearance of the area,
 - The effect of the proposal on highway safety, and
 - Whether flood risk can be satisfactorily managed.

Reasons

Character and appearance

5. The appeal site comprises a building, The Old Stores, and surrounding land located at the intersecting of two roads (the B4077 and the B4632) at a roundabout in Toddington. It lies at the southwest corner of the roundabout,

with residential development to the west and north, a convenience store and public house to the east and farmland to the south. The buildings that surround the site are predominantly finished in stone and are traditionally proportioned with narrow gable elements and hipped roofs, which results in an attractive streetscene.

6. The Old Stores is an imposing building which sits in close proximity to the roads, and which is surrounded by spacious grounds. While not a listed building, it is a non-designated heritage asset. This is due, in part, to the appearance of the building as a well-crafted example of the Cotswolds Arts and Craft style, said to date from between 1922 and 1955 (while the appellant contends it is an earlier example). The building is noted as being reasonably well preserved externally, mostly in its original form apart from the addition of a lean-to conservatory to the rear. I observed that the spacious grounds surrounding the building also positively contribute to the setting of this non-designated heritage asset.
7. The appeal scheme seeks to sub-divide the existing building to provide two units of accommodation, as well as construct three new dwellings within the grounds. Two dwellings would be constructed to the west, between The Old Stores and dwellings located within Sandlin Close. These dwellings, while finished in Cotswold stone to match other nearby dwellings, would have wide gables forming their side elevations which is not reflective of the scale of other residential development in the surrounding area, where narrow gable detailing is customary. Such narrow gables are a key feature of the dwellings within nearby Sandlin Close as well as the existing building within the appeal site. Where wider gables have been incorporated into Sandlin Close these are positioned close to and alongside other buildings, and thus are not conspicuous in views of the development.
8. Given that these wide gables would be clearly visible when passing or approaching the site, as well as the close affinity that the proposed dwellings would have with the existing buildings, the width of the side elevations would appear as an intrusive and insensitive addition at this location. As a result, the dwellings would not integrate acceptably with the prevailing characteristics of the built form within the vicinity of the site and would fail to respond appropriately to their context.
9. In terms of their positioning, the dwelling proposed on Plot 4 would be closest to the existing building. In light of the currently spacious grounds which surround The Old Stores, the location of this dwelling would diminish to an unacceptable degree the sense of spaciousness that is associated with this existing building, notwithstanding that the separation was increased during the course of the planning application. It would harmfully impinge upon The Old Stores, devaluing its significance as a non-designated heritage asset and would, in my view, result in a cramped appearance to the development within the site.
10. Accordingly, I find that the proposal would be harmful to the character and appearance of the area. Thus, it conflicts with policies SD4, SD6 and SD7 of the Gloucester, Cheltenham and Tewkesbury Joint Core Strategy (adopted December 2017) (the JCS). Together, and amongst other things, these seek to ensure that development responds positively to a site and its surroundings,

that proposals have regard to local distinctiveness and that development conserves the landscape.

Highway safety

11. The appeal scheme includes two access points to serve the proposed development, one along each of the nearby roads. It is with the proposed new access to the B4077 that the Council raises concern. The submitted details show visibility splays either side of the new access. However, the visibility splay to the east is across the existing roundabout, onto which there is a southern arm.
12. Vehicles approaching from the south and turning left along the B4077 towards the proposed point of access would have forward visibility of any vehicles emerging from the site substantially less than that of the required visibility splay distance. While many vehicles undertaking this left turn manoeuvre may do so from a stationary position at the roundabout, many others would also be able to undertake this manoeuvre without the need to stop at the roundabout and thus may be travelling at speed. Moreover, traffic travelling in this direction would likely be accelerating away from the roundabout.
13. Additionally, when vehicles would be emerging from the appeal site, any vehicles approaching from the east, and emerging from the southern arm of the roundabout, would appear in sight at a distance less than the required visibility splays.
14. In this respect, I note the 85th percentile speed recorded for westbound traffic at this location of 41.1 miles per hour. In the circumstances I outline above, there would be conflict between vehicles travelling along the road and those exiting or turning into the proposed development. In my view, the proximity of the proposed access to the roundabout and the lack of adequate visibility of traffic approaching from the south would present an unacceptable risk to highway safety at this location.
15. I note that concern is also raised in respect of the proximity of the proposed access along the B4077 and the existing access to the west, serving Sandlin Close. While there is a separation distance of approximately 37 metres between the existing and proposed accesses, given that vehicles speeds would be low when exiting or entering either of them, I do not consider that such proximity would result in unsafe vehicle manoeuvres.
16. However, as a result of the proposed new access and its proximity to the roundabout, I find that the development would result in an unacceptable effect on highway safety. Accordingly, the proposal conflicts with policy INF1 of the JCS, insofar as it seeks to ensure that safe access to a highway network is provided.

Flood risk

17. The reason for refusal in respect of flood risk alleges that insufficient information had been submitted to demonstrate a viable means of managing flood risk. The submitted Delegated Report expands that there was uncertainty over the method of disposal of surface water from the development and as such an unacceptable risk of flooding.

18. The appellant provides an updated Drainage Strategy Report which establishes that surface water can be dealt with through an attenuation system, discharging to a nearby surface water sewer. A copy of an email from the Lead Local Flood Authority confirming that this is acceptable has also been submitted. As such, it is possible to accommodate an appropriate drainage solution within the development and this could be secured by appropriate planning condition.
19. Accordingly, subject to the above, flood risk can be satisfactorily managed, and the scheme accords with policy INF2 of the JCS, insofar as it seeks to ensure that development minimises the risk of flooding. The scheme would also accord with policy ENV2 of the Local Plan in this respect.

Other matters

20. The appellant highlights that at the time the Council determined the planning application it was unable to demonstrate a five-years supply of deliverable housing sites. However, the Council now asserts that this position has changed and that a five-years supply can be demonstrated, as set out in its Five Year Housing Land Supply Statement – August 2022, which sets out a current supply of 5.9 years.
21. The appellant has been given the opportunity to comment on this. While raising some concern in respect of the position currently asserted by the Council, no substantive evidence is provided that convinces me that the most recently published land supply figure is incorrect.
22. Accordingly, on the basis of the information that is before me, the Council is able to demonstrate a five-years supply of deliverable housing sites and thus, the presumption in favour of sustainable development, as envisaged by paragraph 11 of the National Planning Policy Framework, is not engaged. Therefore, this matter does not indicate that a decision should be made other than in accordance with the development plan.

Conclusion

23. While I find that there would be no harmful effect through any increased flood risk, I also find that there would be harm to the character and appearance of the area, as well as to highway safety. These matters are decisive.
24. For the reasons given above, and having regard to all other matters raised, I conclude that the appeal should be dismissed.

Martin Allen

INSPECTOR