



Appeal Decision

Site visit made on 6 December 2022

by Helen Davies MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 9th December 2022

Appeal Ref: APP/F1610/W/22/3303611

Land Off Gloucester Lane, Mickleton, Gloucestershire GL55 6RP

- 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 Nigel Brown against the decision of Cotswold District Council.
 - The application Ref 22/00980/FUL, dated 11 March 2022, was refused by notice dated 6 June 2022.
 - The development proposed is erection of dwelling.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. I am aware of previous iterations of the proposal and correspondence between the parties on changes. Regardless of this, I have determined this appeal on the basis of the submitted plans, not by comparison to any previous scheme.

Main Issues

3. The main issues are the effect of the proposed development on:
 - The character and appearance of the site and the surrounding area; and
 - The living conditions of the occupants of 16 Pound Lane, regarding outlook.

Reasons

Character and Appearance

4. The site is a small parcel of land located directly to the rear of 16 Pound Lane, in a predominantly residential area. Pound Lane contains a mix of detached and semi-detached single storey dwellings, and there are two storey, mostly detached dwellings, off Gloucester Lane. Other than Willow Tree Cottage, which is a traditional dwelling opposite the side of No 16, the surrounding area is characterised by dwellings set well back from the road and located within generous plots. This pattern of development gives the area a pleasant spacious and open quality.
5. The site is currently set to grass and enclosed by wooden fencing. It is bordered on 3 sides by undeveloped, mostly garden land, and to the other side by a grass area and public footpath to the front of Willow Tree Cottage. Despite the fencing, the lack of development means that the site currently contributes positively to the spaciousness and sense of openness of the immediate area.

6. While modest in size, single storey, and of similar materials to nearby dwellings, the proposed dwelling would fill a large proportion of the site area. Consequently, the size of the dwelling, the size of its garden and the dwelling to plot proportions would be significantly at odds with the established pattern and grain of the surrounding area. The resulting dwelling would appear cramped within the limited plot. Despite being single storey, the steeply pitched roof of the dwelling would close down views into and through the site. Although the dwelling would be set back from Pound Lane, it would be visible from the road and the public footpath.
7. Taken together, the above factors mean that the proposal would have a detrimental impact on the established open and spacious quality of the area, causing unacceptable harm to the character and appearance of the site and its surroundings. Consequently, the development would not comply with Policy EN2 of the Cotswold District Council Local Plan 2011-2031 (adopted August 2018) (LP), which seeks to ensure that development is of a design quality that respects the character and distinctive appearance of the locality.
8. The proposal would also fail to comply with Paragraph 130 of the National Planning Policy Framework (the Framework) which, amongst other things, seeks to secure well designed development that has an appropriate layout and is sympathetic to local character and the surrounding built environment. Notwithstanding the above, if the proposal were otherwise acceptable, I find no specific policy conflict with regard to the loss of part of the grass area in front of Willow Tree Cottage to create an access drive.

Living Conditions

9. Policy EN2 of the LP states that development will be permitted which accords with the Cotswold Design Code (CDC). Paragraph D.67(1.o) of the CDC states that development¹ should “respect the amenity of dwellings, giving due consideration to issues of garden space, privacy, daylight and overbearing effect”.
10. The proposal would result in a blank gabled elevation, approximately 6m high to the ridge, being in close proximity to the rear boundary of No 16. This boundary is adjacent to the main private garden space at No 16 and close to the rear elevation of No 16 which contains patio doors. The design and location of windows in the proposed dwelling would protect privacy and sufficient daylight would be retained. However, due to the proximity of the proposed gabled elevation, the development would have a significant overbearing effect, which would unacceptably dominate the outlook from both the garden and rear living space of No 16, to the detriment of their residential amenity.
11. I conclude that the proposed development would cause unacceptable harm to the living conditions of the occupants of 16 Pound Lane, with regard to outlook. Consequently, the development would fail to accord with the CDC and hence would not comply with Policy EN2 of the LP.

Other Matters

12. I note the sustainable location and inclusion of solar panels and an electric vehicle charging point. I also note that the proposal would provide a small

¹ The CDC wording states ‘extensions’, but clarifies that residential amenity considerations also apply to other types of development, including new dwellings.

dwelling to add to the local housing mix. However, these factors do not outweigh the harm identified above.

Conclusion

13. For the reasons given above and taking into account the development plan as a whole and all other relevant material considerations, the appeal is dismissed.

Helen Davies

INSPECTOR