

Appeal Decision

Site visit made on 16 January 2023

by Mr C J Tivey BSc (Hons) BPI MRTPI

an Inspector appointed by the Secretary of State

Decision date: 10 February 2023

Appeal Ref: APP/F1610/D/22/3310318

16 Albion Street, Stratton, Gloucestershire GL7 2HT

- 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 Chicken against the decision of Cotswold District Council.
 - The application Ref 22/00948/FUL, dated 15 March 2022, was refused by notice dated 7 October 2022.
 - The development proposed is for a two storey rear and side extension with associated works.
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Decision

1. The appeal is dismissed.

Main Issue

2. The main issue is the effect of the appeal proposal upon the living conditions of the occupants of neighbouring residential properties, with specific reference to privacy.

Reasons

3. The appeal site comprises an end of terrace two storey house on an 'L' shaped plot. Houses fronting both Albion Street and Cheltenham Road back on to each other in close proximity and there is already quite a high level of mutual overlooking between them and external amenity areas.
4. The proposed extension would be located where there currently exists a single storey lean-to, essentially for the width of its respective garden which is located at right angles to it. This extension would have 3no windows proposed to be installed at first floor level, with one each to the front, side and rear elevations. I had the opportunity to view the appeal site from two neighbouring properties: being 18 Albion Street and 11 Cheltenham Road and noted in particular that with regard to the former property that there would be direct overlooking not only of its external courtyard, but also into its southernmost rear bedroom window. Views of the rear courtyard at 11 Cheltenham Road would be more oblique and I noted that that dwelling's first floor rear window is obscurely glazed.
5. Nonetheless I consider that mutual overlooking between dwellings immediately to the rear, especially 7 Cheltenham Road, would be significant, notwithstanding that I accept mutual overlooking already exists within the rear garden scene; there is however no reason to worsen the situation. I have not

been provided with the planning history on the extension to 14 Albion Street that has been referred to within the appellant's submissions, but nonetheless each case must be assessed on its own merits.

6. I am not in a position to doubt that the existing appeal property requires modernisation and it is heartening to hear that the appellant seeks to enhance his rental properties shortly after acquisition. There would also be other benefits ensuing from the proposal such as an enhancement to the character and appearance of the surrounding area and an improvement to the energy performance of the property. I also note that the Council considered that there would be no loss of outlook or light to the occupants of neighbouring residential properties, however these factors in favour of the appeal scheme do not outweigh the harm that would result from an unacceptable loss of privacy to the occupants of both 18 Albion Street and 7 Cheltenham Road in particular. I accept that the latter property has been extended fairly recently, but it is not for me to comment on its appropriateness or otherwise, but nonetheless "two wrongs don't make a right".
7. Therefore I consider that the proposal would give rise to demonstrable harm to the living conditions of surrounding residential properties through an unacceptable loss of privacy and would be contrary to Policy EN2 of the Cotswold District Local Plan 2011 – 2031 which requires development to accord with the Cotswold Design Code which, amongst other things, where concerning residential extensions, requires them to respect the amenity of dwellings giving due consideration to, amongst other things, issues of privacy. I also find that the proposal conflicts with paragraph 130.f) of the National Planning Policy Framework that requires proposals to create places with a high standard of amenity for existing and future users.

Conclusion

8. Having regard to the above and all other matters raised, I conclude that the appeal be dismissed.

C J Tivey

INSPECTOR