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# Appeal Decision

Site visit made on 4 July 2023

**by E Worley BA (Hons) Dip EP MRTPI**

**an Inspector appointed by the Secretary of State**

**Decision date: 19<sup>th</sup> July 2023**

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**Appeal Ref: APP/G1630/D/23/3315397**

**10 Crifty Craft Lane, Churchdown, Gloucester, Gloucestershire GL3 2LH**

- 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 R Stamp against the decision of Tewkesbury Borough Council.
  - The application Ref 22/00586/FUL, dated 16 May 2022, was refused by notice dated 1 December 2022.
  - The development proposed is described as 'Demolition of garage, extension to side and loft'.
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## Decision

1. The appeal is dismissed.

## Main Issues

2. The main issues are the effect of the proposed development on i) the character and appearance of the host dwelling and the surrounding area; and ii) the living conditions of the occupiers of 11 Crifty Craft Lane (No 11) having particular regard to outlook.

## Reasons

### *Character and appearance*

3. The appeal site is located in an area which is predominantly residential in character. The street scene on this side of the road comprises detached dormer bungalows of various sizes and designs, with staggered roof heights. Due to the ground levels, which slope away from the road towards the rear boundaries of the properties, the dwellings are set at a lower level than the highway. Whilst the host dwelling appears as a detached dormer bungalow when viewed from Crifty Craft Lane, the topography means that the rear elevation of the existing dwelling is greater in scale, with a 2 storey rear extension with a mansard roof, which incorporates a lower ground floor.
4. The appeal scheme includes the demolition of the existing detached garage to the side of the property and the erection of 2 storey side and front extensions and new rear dormer.
5. The proposal would extend the footprint of the building to the side elevation of the property and would bring the existing front wall, which is in part set back, forward in line with the projecting front gables. Whilst lower in height than the main gable to the front elevation, the extension would replace the existing pitched roof to the front elevation in its entirety, with a 2 storey flat roof structure significantly greater in width than the existing main front gable.

6. As a result of the scale and design of the extension it would be at odds with the appearance of the front elevation of the existing dwelling, which is modest in scale with a simple traditional roof form. Despite the render finish, which would match the existing dwelling, the extension would be a disproportionate and unsympathetic addition which would detract from the appearance of the dwelling. Furthermore, despite the lower ground level and set back in relation to the highway, it would be an incongruous feature that would fail to integrate effectively with the surrounding built form on this side of Crifty Craft Lane.
7. Whilst I acknowledge there are examples of larger scale 2 storey properties nearby, these are on elevated land on the opposite side of the road and therefore set in a different context to the appeal site. As such, they have a different effect on the character and appearance of the area to that proposed and do not justify the harm I have identified.
8. For these reasons I therefore conclude that the proposed development would harm the character and appearance of the dwelling and the surrounding area. Accordingly, it would conflict with Policy SD4 of the Gloucester, Cheltenham, and Tewkesbury Joint Core Strategy 2011-2031 adopted December 2017 (JCS) which sets out that development should respond positively to, and respect the character of, the site and its surroundings, having regard to mass and form. It would also conflict with Policy RES10 of the Tewkesbury Borough Local Plan 2011-2031 (LP) which among other things requires proposals for extensions to existing dwellings to be appropriate in terms of scale to the character and appearance of the existing dwelling and its surrounding area.
9. Furthermore, it would fail to reflect the high quality design aims of Policy CHIN2 of the Churchdown and Innsworth Neighbourhood Development Plan 2018-2031 which requires new development to contribute towards local distinctiveness and encourages the integration of positively received local design features.

*Living conditions of occupiers of 11 Crifty Craft Lane*

10. The proposed extension would be set in from the side boundary of the site a greater distance than the existing detached garage and, unlike the garage, would not project beyond the existing rear elevation of the part of the property nearest to No 11. Nevertheless, the 2 storey side extension, which would be greater in height and volume than the single storey garage, would introduce a built form of significant bulk and scale to the side of the dwelling a short distance from the shared boundary. Moreover, due to the staggered nature of the appeal property and No 11, which is set forward of the host dwelling, the extension would project beyond the rear elevation of No 11.
11. Consequently, as a result of the height and width of the proposed side elevation, together with its proximity to the side boundary, it would form a dominant and severely overbearing feature when viewed from the rear of No 11. Whilst I note the proposal would result in the removal of the existing first floor bedroom window to the side elevation of the existing dwelling which faces No 11, this would not outweigh the harm I have identified.
12. For the foregoing reasons I conclude that the proposed development would have a harmful effect upon the living conditions of the occupiers of No 11 with regard to outlook. The proposal is therefore contrary to the combined aims of

Policy SD10 of the JCS and Policy RES10 of the LP which require development to safeguard the amenity of the occupiers of neighbouring properties.

### **Other Matters**

13. Whilst I note concerns expressed by the occupiers of No 11 regarding loss of light, the Council has not objected on these grounds. In the absence of any substantive evidence to the contrary, I have no reason to disagree. Moreover, given the position of the proposed first floor windows and Juliette balcony in the rear elevation of the extension, they would not give rise to any direct overlooking or loss of privacy to No 11.
14. I have had regard to the desire of the appellants to increase living space, specifically at ground floor level, to provide accommodation at the property for elderly relatives and the appellant in the future. However, I am mindful that the harm identified would be permanent and is not outweighed by the appellant's particular circumstances.
15. My attention is drawn by the appellant to a number of properties nearby which have been subject to large scale extensions, including at number 3 and 7 Crifty Craft Lane. However, I do not have full details in respect of such works so I cannot be sure of the circumstances of these cases. In any case, I have determined the appeal on its own merits, based on the evidence before me.

### **Conclusion**

16. For the reasons set out above the appeal is dismissed.

*E Worley*

INSPECTOR