
Appeal Decision

Site visit made on 17 November 2023

by Rebecca McAndrew, BA Hons, MSc, PG Dip Urban Design, MRTPI

an Inspector appointed by the Secretary of State

Decision date: 30.11.2023

Appeal Ref: APP/C1625/D/23/3325403

7 Fieldview, Berkeley, Gloucestershire GL13 9EL

- 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 G Smith against the decision of Stroud District Council.
 - The application Ref 23/0346/HHOLD dated 9 February 2023, was refused by notice dated 14 April 2023.
 - The development proposed is the raising of the roof to allow for further bedroom accommodation to the second floor with traditional dormer to front and rear elevations.
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Decision

1. The appeal is dismissed.

Main Issue

2. The main issue is the effect of the proposal on the character and appearance of the dwelling and area.

Reasons

3. Field View consists of three separate terraces which form a row of properties, occupying a prominent position overlooking the nearby playing fields. Whilst there are trees and vegetation to the front of the properties, the row is visible in the wider area. This includes views from Station Road, a main route into the centre of Berkeley.
4. The row of terraced houses within which the appeal property is located is symmetrical in design. It includes two central three-storey houses, with two-storey homes either side and forward-facing gable houses at each end. The appeal property sits in the central part of this row of dwellings, adjoining one of the three-storey properties.
5. I recognise that the proposed extension would reflect the design of the adjacent three-storey properties, in terms of form and materials. However, it would be out-of-keeping with the original dwelling in terms of scale and the gable features proposed. In addition, the creation of a further three-storey property in the centre of this terrace would be jarring. It would imbalance the row and unduly undermine its symmetry. This incongruous development would be notable within the wider area.

6. In view of the above, the proposed extension would unacceptably harm the character and appearance of the appeal property and the area. The proposal is therefore contrary to Policies HC8 and CP14 (5) of the Stroud District Local Plan (2015) which, taken together, require good quality design which reflect the context of the existing dwelling and area.

Other matters

7. In reaching my decision I have considered all matters raised by the appellants in support of the proposal. I note that two previous applications to extend the property have been refused planning permission and the current scheme has been devised to address the previous reasons for refusal. However, as I have described, the current scheme is also unacceptable.
8. I recognise that there is a broad range of house types and designs in the wider area, including three-storey properties. I have also considered a number of examples of other approved developments in the area submitted in support of the appeal proposals. However, there are only limited similarities between those developments and the scheme before me. For example, they do not propose the construction of an additional storey to the existing property.
9. The appellants advise that a box roof dormer could be constructed to the rear of the property under permitted development rights. Whilst this would inevitably be an incongruous design feature, it would be located to the rear of the property. Therefore, unlike with the current proposals, the overall symmetry of the row of properties would be retained when viewed from the front. On this basis, in my view, a dormer would have less of an overall impact.
10. I recognise that the appellants would be able to submit a prior approval application for an additional storey to be added to the existing house. However, this process would also involve an assessment of the proposals similar to this appeal.
11. I also acknowledge that the appellant's personal circumstances and desire to extend their home to accommodate their family, in face of the financial implications of moving home. I have carefully considered all information submitted in this respect. I therefore attach limited weight to these matters in support of allowing the scheme.
12. Refusal of the scheme would engage Human Rights matters. Having regard to Article 8 and Article 1 of the first Protocol, there would be interference with the occupiers' rights in respect of private and family life, and the peaceful enjoyment of possessions respectively. However, there are legitimate aims in protecting the character and appearance of the site and area. The scheme falls short of acceptability in this respect. The harm would be permanent and long standing. Consequently, these personal circumstances do not outweigh the significant harm I have described. Such a conclusion is necessary and proportionate in this case.

Conclusion

13. I have found the proposal would conflict with the development plan when taken as a whole. There are no other considerations which outweigh this conflict. I therefore conclude the appeal should be dismissed. The proposal would not unacceptably violate the family's rights under Articles 1 and 8. The protection of the public interest cannot be achieved by means that are less interfering of their rights.

Rebecca McAndrew

INSPECTOR