



Appeal Decision

Site visit made on 5 January 2024

by A Tucker BA (Hons) IHBC

an Inspector appointed by the Secretary of State

Decision date: 18 January 2024

Appeal Ref: APP/C1625/W/22/3311820

11 High Street, Minchinhampton, Gloucestershire GL6 9BN

- 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 Yvonne Hiscock of Minchinhampton Cotswold Club Ltd against the decision of Stroud District Council.
 - The application Ref S.22/1103/FUL, dated 18 May 2022, was refused by notice dated 26 August 2022.
 - The development proposed is reduce the size of the existing games room and create an outdoor smoking area. Installation of a rainwater harvesting system.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. An updated version of the National Planning Policy Framework (Framework) was published on 19 December 2023. Its content is largely unchanged in relation to the main issue of this appeal, so I have not sought the views of the main parties on this matter.
3. Drawing No. 2212_0422 was submitted with the appeal. The Council has confirmed that this drawing was not submitted as part of the refused application. Accordingly, I shall disregard this plan and shall determine the appeal with reference to drawing Nos. 2212_0521a, 2212_0522a, and 2212_0523a, which were the plans that were before the Council when it made its decision.

Main Issue

4. The effect of the proposal on the living conditions of those who live nearby, including those who occupy the dwellings to either side of the site as well as the flat above the Club.

Reasons

5. The proposal relates to an area at the back of the building. The existing external wall of the darts room, which is elevated and faces towards the back of the first floor flat, would be removed and rebuilt further back. The roof would be retained, which would create an undercover area that could be used for smokers. It would introduce a meaningful area of outdoor space to serve the Club that would be associated with the darts room behind, with access from the staircase that leads up from the main areas on the ground floor. It is thus likely that other users of the building could make use of the space for sitting out and socialising. Additionally, the rebuilt wall would include a wide folding

glazed screen. When folded back, the darts room would be opened up to face out over the newly created external area.

6. The proposed area would face towards and be roughly level with the back of the first floor flat. Users of the area would be able to easily look towards and be close to the existing rear windows of the flat. Such a relationship would lessen the privacy enjoyed by the occupiers of the flat and would thus harm their living conditions.
7. This matter is made significantly worse by the presence of a rooftop garden that is accessed from a door at the rear of the flat. This is not shown on the submitted plans. This decked area is enclosed by a fence and extends up to the proposed area. It enjoys a sunny southwest orientation and is likely to be of considerable value to the occupiers of the flat as the only area of outside space. Users of the proposed area could stand at the outside edge of this roof garden and look directly over this area. When the proposed area is in use the existing garden would have no privacy.
8. The flat is owned by the club. However, it functions as an independent dwelling with its own front access and has the potential to be sold off in the future. Even if it is retained by the Club, and notwithstanding the fact that its current occupants have not objected to the proposal, the living conditions of the occupants of the flat would be severely impacted by the proposal for the reasons given. It would be reasonable to describe this impact as overbearing.
9. The proposed area would have a less direct relationship with the neighbours to either side. It would be possible to view the closest rear window of the neighbouring dwelling to the southwest from the proposed area, however such a view would not be direct and would be at a reasonable distance. Beyond a direct line of sight, the sound of conversation resulting from the proposal would not be out of place in a tightly packed area such as High Street, which includes a mix of commercial and residential uses and external spaces such as the garden at the rear of the nearby Crown Pub. The potential however to open the doors and use the area in association with the existing darts room for other events could cause disturbance to those living to either side. This could be reasonably addressed by conditions to control hours of use and restrict amplified sound if the appeal is allowed.
10. The proposed air conditioning unit would stand on the existing flat roof away from the neighbours to either side. It would be close to the existing rooftop garden, however it is likely that those occupying the flat are already used to a considerable level of noise emanating from the existing curved rooflight, and other noises that are commonplace in a densely developed area. If the appeal is allowed a condition could be used to control the hours that the unit operates.
11. Other matters raised relate to the use of the skittle alley which is an area of the building that is unrelated to the proposal and therefore not a matter that I should consider further.
12. The proposal includes a rainwater storage tank that would be built into the ground beneath the area of the removed wall. This would address long standing issues with the volume of rainwater from the roof of the appeal building and areas of neighbouring roofs which has the potential to flood the building. The wall removal would allow a larger external area to be accessed to excavate for the storage tank. The outdoor seating area and smoking shelter is

referred to as a by product of the installation of the tank which is the main driver for the proposal. Improving the way that rainwater is managed at the site would be a significant benefit to the operation of the Club and future conservation of the historic building, and therefore carries considerable weight in favour of the proposal.

13. Additionally, it is suggested that stored rainwater could be put to other uses, such as for the flushing of toilets. Recycling water in this way is a clear environmental benefit.
14. A scheme could however be developed that moves the existing wall back but does not formalise the use of the enlarged external area in the manner proposed. Additionally, whilst the existing space is not wide it is long, and it may therefore be possible to excavate an area that could be used for a series of connecting smaller storage tanks without removing the existing wall.
15. Setting out the enlarged area as a smoking shelter and area for outdoor seating is not therefore essential to secure the benefits that would arise from installing the storage tank. I am not satisfied that the harm I have identified relating to the proposal's impact on the living conditions of the occupiers of the existing flat would be outweighed by the benefits of installing the tank.
16. Providing the proposed area would mean that Club members need not stand at the front of the building to smoke or vape. The appellant has however explained that the area at the front is only used for such purposes by a small number of members and that these are activities that the club does not encourage. It is also likely that those using the bar areas downstairs would find it more convenient to pop out to the front of the building to smoke than walk up the rear stairs to the proposed area, and it would be difficult to manage such behaviour in the future. I therefore give little weight to this matter.
17. In summary, the proposal would have a severe impact on the living conditions of the occupiers of the existing first floor flat. It would therefore be contrary to Policies ES3 and CP14 of the Stroud District Local Plan 2015, which together seek to ensure that development proposals do not adversely affect the amenities of neighbouring occupants through loss of privacy.

Other Matters

18. The appeal site is within the Cotswolds Area of Outstanding Natural Beauty (AONB). The statutory purpose of an AONB is to conserve and enhance the natural beauty of the area. Paragraph 182 of the Framework establishes that great weight should be given to conserving and enhancing the scenic beauty in AONBs. The proposal is of a small scale and is tucked into a densely developed area. I am satisfied that it would conserve the scenic beauty of the AONB.
19. The appeal building is a grade II listed building¹. The Council has granted listed building consent for the proposal². It stands within the Minchinhampton Conservation Area. Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (LBCA) requires the decision maker to have special regard to the desirability of preserving a listed building or its setting or any features of special architectural or historic interest which it possesses. Additionally, Section 72 of the LBCA requires special attention to be paid to the

¹ List Entry Number 1172502

² Council ref: S.22/1105/LBC

desirability of preserving or enhancing the character or appearance of a conservation area. The proposal relates to a modern and inward facing part of the site that would not harm the special interest of the listed building or character or appearance of the CA.

Conclusion

20. For the reasons given above I conclude that the appeal should be dismissed.

A Tucker

INSPECTOR