



Appeal Decision

Site visit made on 5 March 2024

by D Wilson BSc (Hons) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 25 March 2024

Appeal Ref: APP/F1610/W/23/3330144

12 Star Lane, Avening, Gloucestershire GL8 8NT

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission.
 - The appeal is made by Mr R McGrath against the decision of Cotswold District Council.
 - The application Ref is 23/00898/FUL.
 - The development proposed is the demolition of existing detached garage. Erection of new detached dwelling with associated works.
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Decision

1. The appeal is dismissed.

Main Issue

2. The main issue is the extent to which the proposed development would preserve or enhance the character or appearance of the Avening Conservation Area (CA).

Reasons

3. The CA covers an area encompassing the two older parts of Avening, including the landscape setting of certain parts of the village. Its significance is derived from its valley setting which is a result of the river that runs through it. The river also allowed manufacturing to take place which has resulted in an industrial legacy. The high street is lively with an urban character compared with the rural character of areas away from the high street. The village has a complex pattern of development with houses following the contours of the valley with trees and open spaces dominating the scene more than buildings.
4. Given the above, I find that the significance of the CA, insofar as it relates to the appeal before me, to be primarily associated with the open space that forms the appeal site that contributes positively to the rural character of the edge of the CA as well as wider views of the valley.
5. The appeal site is an open parcel of land which is bordered by a drystone wall and allows for largely uninterrupted views up the valley towards open meadows and trees. There are further open spaces nearby the appeal site and while some are being used for parking, they generally still maintain a sense of openness. Houses nearby are a mix of large dwellings that tend to follow the road, with some instances of smaller dwellings located on narrower plots.
6. The appeal site is located in a prominent position that is visible from Star Lane and distant views from the Sunground. Due to the elevated position, combined with the openness that is currently experienced within the site, the provision of

built form will be prominent and would erode the open character of the site. The plot is large and there would be space for gardens which would retain some of the openness, however, the provision of the dwelling and any associated domestic paraphernalia would still erode the openness through its prominence. The result would detract from the open and rural character of the edge of the CA as well as the wider views of the valley.

7. I note that the appellant could choose to enclose the site with mature planting to provide privacy to the garden area. However, this would not have the same effect as the appeal proposal before me which will be visibly prominent built form, as appose to the planting which would still provide some views beyond as well as a general sense of openness on the appeal site.
8. The proposed dwelling would be designed with a steeply pitched roof with diminishing stone slates and swept valleys. It would also have a front to back pitched roof, be one and a half storey in scale with the first floor set in the roof space with dormers. The Council consider that these are key characteristics of other dwellings in the area.
9. The Council also consider that generous overhanging eaves are characteristic which the proposed dwelling would not be designed with. However, in respect of other dwellings within immediate vicinity of the site, generous overhanging eaves are not prevalent and as such, the absence of these would not be detrimental to the design. I therefore find that the design of the proposed dwelling would be generally in keeping with other dwellings nearby.
10. Notwithstanding my findings on design, for the other reasons given, I find that the proposal would fail to preserve or enhance the character or appearance of the CA. Consequently, I give this harm considerable importance and weight in the planning balance of these appeals.
11. Paragraph 205 of the National Planning Policy Framework 2023 (the Framework) advises that when considering the impact of development on the significance of designated heritage assets, great weight should be given to their conservation. Paragraph 206 goes on to advise that significance can be harmed or lost through the alteration or destruction of those assets or from development within their setting and that this should have a clear and convincing justification. I find the harm to be less than substantial in this instance but nevertheless of considerable importance and weight.
12. Under such circumstances, paragraph 202 of the Framework advises that this harm should be weighed against the public benefits of the proposal. The appellant has suggested that the proposed development would support the local rural community and therefore provide some public benefit. However, these public benefits would be tempered by the fact the proposal is only for a single dwelling. The limited public benefits would therefore not outweigh the harm in relation to the CA.
13. I therefore conclude that the proposed development would not preserve or enhance the character or appearance of the CA. It would be contrary to Policies DS3, EN2, EN10 and EN11 of the Cotswold District Local Plan 2011-2031 (Adopted 3 August 2018) and Paragraph 208 of the Framework. Amongst other things, these seek to ensure that in considering proposals that affect a designated heritage asset, great weight will be given to the assets conservation

proposed preserve and where appropriate enhance the special character and appearance of the CA.

Other Matters

14. The appeal site falls within the zone of influence for the Cotswold Beechwoods Special Area of Conservation. As the competent decision-making authority, if I had been minded to allow the appeal it would have been necessary for me to complete an Appropriate Assessment for this scheme. However, as I am dismissing the appeal for other reasons, I have not taken the matter further.
15. The appellant has referred to several examples of other developments nearby in an attempt to justify the proposed development. I do not have the full details in respect of such examples so I cannot be sure of the circumstances of these. In any case, I have determined the appeal on its own merits, based on the evidence before me.
16. However, from site observations No 12A relates to a new dwelling set to the rear and side of an existing dwelling. The site is not as visible as the appeal proposal and also replaces existing built form. Therefore, this application does not affect the general sense of openness when compared to the appeal proposal.
17. In regard to Plum Patch Cottage, this relates to an ancillary dwelling that would be located within the slope of the valley which falls away from Plum Patch Cottage. Views of this dwelling will not be readily visible from Star Lane and while views would be possible from a Public Right of Way only a small section will be visible due to the sunken design.
18. No 18 Star Lane relates to the extension of a single garage to a double garage with accommodation above. This also includes existing built form and is set back from Star Lane making it not as prominent or as visible from wider views as the appeal proposal before me.
19. The Council have found that the proposed development would provide adequate living conditions for future occupiers, would not unacceptably harm the living conditions of the occupiers of neighbouring properties or cause unacceptable harm to the Cotswold Area of Outstanding Natural Beauty and highway safety. I have no reason to conclude otherwise, however these are neutral matters that do not outweigh the harm I have identified.
20. I note that the appellant sought pre-application advice prior to the submission of the planning application and found that advice from the Council in regards to design was unhelpful and also that they consider the Council have not worked with the appellant in a positive and creative manner. However, the Council is not bound by pre-application advice and, in any case, I am only in a position to consider the planning merits of the appeal before me.

Conclusion

21. For the above reasons and having regard to all other matters raised I conclude that the appeal should be dismissed.

D Wilson

INSPECTOR