



Appeal Decision

Site visit made on 13 June 2024

by C Shearing BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 17th June 2024

Appeal Ref: APP/F1610/W/24/3337393

53 Stratton Heights, Stratton, Gloucestershire GL7 2RN

- 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 Varey against the decision of Cotswold District Council.
 - The application Ref is 23/02559/FUL.
 - The development proposed is erection of a detached bungalow and associated works.
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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 area.

Reasons

3. The appeal site is an irregular and triangular shaped piece of land which narrows significantly to its southern side and which occupies a prominent position close to the junction and adjacent to a public footpath. The properties in the wider area vary in their character and design, but are broadly arranged in groups of similar design features and building lines. Together the general repetition of housing types gives a degree of regularity and consistency in the surrounding streets which contributes positively to their character.
4. While the houses in the area are generally close to one another with limited gaps between, there are nonetheless areas of open grass verges and undeveloped areas peppered across the area, in particular close to junctions. These provide feelings of spaciousness and visual relief among the more dense pattern of surrounding development. Even while enclosed by fencing, the absence of development on the appeal site contributes to the more open character surrounding the junctions of Haresfield, Stratton Heights and the public footpath.
5. The proposed development would result in the substantial loss of the open character of the site. While parking and garden areas to the side of properties are apparent in other parts of the wider area, in the case of the appeal site these features would be heavily restrained by their proximity to site boundaries and the most southern corners of the proposed house would be positioned very close to two of the angled site boundaries. In combination this would give the appearance of an awkward and cramped site layout, heavily at odds with the surrounding area and the attributes that contribute positively to its character.

6. Given the varied building heights of the surrounding area, including bungalows adjacent to two storey properties further north east along Stratton Heights, the proposed building height could not be considered objectionable. I also consider that the required engineering works and associated retaining wall would experience limited visibility from surrounding viewpoints. However, the lack of concern for these elements would not reduce the harm arising from the above features.
7. The proposed site coverage ratio and density would generally adhere to that of the surrounding area, and be less than some other nearby properties. However, while this is a useful tool in some respects, it does not necessarily amount to a proposal which respects the character and distinctive appearance of the locality, or provide justification for the visual harm which would arise from the specific characteristics of this proposal. The National Planning Policy Framework (the Framework) supports development which makes efficient use of land, but also requires the desirability of maintaining an area's prevailing character and setting to be taken into account.
8. The appellant has highlighted other developments in the surrounding area which share some similar characteristics with the appeal scheme. In the case of no.45 Stratton Heights, despite being a triangular plot, its size and relationship to the street is materially different and the house on that plot reads as a continuation of the two storey houses to the south. No.7 The Vale lies within a street of bungalows and would appear to occupy a more rectangular plot. The proximity of the house to its boundaries is not readily perceivable from the surrounding roads due to the substantial conifer hedging which surrounds it. As such the circumstances of both those developments are different to those of the appeal site.
9. For the reasons given, the proposal would conflict with Policy EN2 of the Cotswold District Local Plan 2018 and the associated Cotswold Design Code which together require design quality that respects the character and distinctive appearance of the locality. It would also conflict with the design objectives of the Framework insofar as it requires development to be sympathetic to local character.

Other Matters

10. The proposal would deliver some benefits. In particular it would contribute to the local housing stock and to the national objective to boost the supply of homes. The property would be located within an existing built-up area with good accessibility to services and facilities including public transport, and the appellant reports it could be attractive to first time buyers, older residents or those with lower incomes. There would also be some economic benefit arising from the construction process and ongoing expenditure into the local economy by future occupants. It is also recognised that there may be barriers preventing the site from providing effective amenity space for no.53, given its ground levels. However, together these benefits attract only moderate weight, given the scale of the development.
11. The proposal would also facilitate the tidying of the site, which is overgrown and some of the boundary treatments are in a state of disrepair. However, it is not apparent that the proposal is necessary to achieve this benefit and it attracts little weight in favour of the development. It is also put forward that there is potential for an extension or outbuilding to no.53 which could be

positioned on the appeal site and which may not require planning permission. Nonetheless there is little detail of those potential alternatives, and it cannot be established that they would have similar, or worse, effects than the appeal scheme or whether they constitute real prospects for the appellant.

12. The site lies within the Zone of Influence of the Cotswold Beechwoods Special Area of Conservation, which is designated for its importance to biodiversity. However, Regulation 63(1) of the Habitats Regulations¹ indicates the requirement for an Appropriate Assessment is only necessary where the competent authority is minded to give consent for the proposal. As the appeal is being dismissed on other grounds it is not therefore necessary to address this in any further detail.
13. There is dispute between the main parties about the lawful use of the land and its enclosure. These are not, however, matters for my consideration as part of this appeal. The appellant alleges that the Council behaved unreasonably during the course of the application, in particular through the alleged absence of a positive or proactive approach as well as alleged inaccuracies in its assessment. However, this would not amount to a reason to allow the appeal.

Conclusion

14. The proposal would conflict with the development plan as a whole and there are not material considerations of sufficient weight which outweigh this finding. The appeal is therefore dismissed.

C Shearing

INSPECTOR

¹ The Conservation of Habitats and Species Regulations 2017