



Appeal Decision

Site visit made on 15 July 2024

by Mr C J Tivey BSc (Hons) BPI MRTPI

an Inspector appointed by the Secretary of State

Decision date: 5 August 2024

Appeal Ref: APP/G1630/D/24/3342791

12 Beverley Gardens, Woodmancote, Cheltenham GL52 9QD

- 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 Jay Patel against the decision of Tewkesbury Borough Council.
 - The application Ref is 23/01131/FUL.
 - The development proposed is for a first floor extension to provide two additional bedrooms.
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Decision

1. The appeal is allowed and planning permission is granted for a first floor extension to provide two additional bedrooms at 12 Beverley Gardens, Woodmancote, Cheltenham GL52 9QD in accordance with the terms of the application, Ref. 23/01131/FUL, and the plans submitted with it, subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
 - 2) The development hereby permitted shall be carried out in accordance with the following approved plans: A1427P-807-01, A1427P-807-02, A1427P-807-03, A1427P-807-04, 807-05 and 807-06.
 - 3) The materials to be used in the construction of the external surfaces of the development hereby permitted shall match those used in the existing building.

Main Issue

2. The main issue is the effect of the appeal proposal upon the character and appearance of the area.

Reasons

3. The appeal site comprises a single storey dwelling located within a residential street which largely comprises detached chalet bungalows and bungalows, many of which have been altered and extended over time. In the immediate vicinity 10 Beverley Gardens, due west, constitutes the former dwelling type, albeit it appears largely as built, but with a contemporary makeover in terms of fenestration and with a single storey parapeted extension to the rear.

4. 12a Beverley Gardens, to the east, is a recently built two storey house with a mono-pitched roof with stone and timber cladding to its elevations, similar to the timber cladding found on the rear extension of the host dwelling which has a contemporary flat roof vertically boarded extension across the full width of its rear elevation.
5. The changes to the principal elevation of no12 would be slight and would constitute the moderate raising of the ridge set in from the existing gables which would facilitate the construction of a quite substantial flat roof extension at first floor level. I note that the Council highlights that the existing dwelling is relatively well concealed from any public views in the immediately surrounding area, and with the proposed extensions being concentrated to the rear, there would be a nominal impact when viewing the site from within the street scene of Beverley Gardens. I concur with this view, in addition to the fact that views from Hillside Gardens to the south, along with from the Apple Tree Pub are minimal, by virtue of the topography and intervening features.
6. Consequently, I find that the nature of the contemporary design would be in tune not only with the existing single storey rear extension on the host dwelling, but also that of the makeover at no10 as well as the new dwelling at no12a. I consider that the proposed extension would not appear as contrived, cluttered or discordant and therefore would not be of significant detriment to the character and appearance of the host dwelling or the wider area; particularly bearing in mind that the planning system operates in the wider public interest as opposed to protecting private views.
7. On this basis I find that the proposal complies with Policy SD4 of the Gloucester, Cheltenham and Tewkesbury Joint Core Strategy 2011 – 2031 (November 2017), Policy RES10 of the Tewkesbury Borough Local Plan 2011 – 2031 and Policy 9 of the Woodmancote Neighbourhood Development Plan 2020 – 2031 (2023) which together require new development to respond positively to and respect the character of a site and its surroundings, being of a scale, type, density and materials appropriate to its setting and specifically with regard to the alteration, extension of existing dwellings, requiring the detailed design to reflect or compliment the design and materials of the existing dwelling and ensuring that the proposal respects the character and appearance of surrounding development.

Other Matters

8. I note reference to Policy RES5 of the Local Plan referred to by the Parish Council although, with respect, paragraph 3.35 as set out therein highlights that this policy applies to all housing proposals including changes of use, subdivisions, rural exception sites and replacement dwellings as opposed to residential extensions which are covered by Policy RES10. I accept that the full height windows and glass balcony would be visible from Home Farm, a Grade II listed building to the south, however the Council's Conservation Officer stipulated that there is little intervisibility between the listed buildings and the development, therefore they considered that the proposal would not have a harmful impact upon their setting or that of the adjacent Conservation Area; I have been given no substantive reason to come to a different conclusion on this.
9. I acknowledge that the creation of an additional two bedrooms would give rise to a substantial increase in accommodation on the site, but nonetheless there

appeared to be adequate off-street parking, and a generously proportioned rear garden would remain. Consequently I consider that there would be no overdevelopment of the site.

10. I acknowledge the concerns with regard to a loss of amenity/privacy of neighbouring properties, although the south western elevation of the balcony would have a 1.7m high obscure screen preventing direct overlooking into the rear garden of no10. Furthermore the 1.1m high glass balustrade along the rear of the extension would be of frosted glass which, when combined with the changing topography, with Home Farm being on lower land than the appeal site, as well as the 25m or so distance from Home Farm Cottage cited by the Council, overall I conclude that there would be no material overlooking or consequent loss of privacy to the occupants of surrounding residential properties.
11. I have had regard to the suggestions made to alter the design, however it falls upon me to determine the appeal based on the drawings that the Council formed it's decision upon and in this particular case I have found in favour of the appellant.

Conclusion and Conditions

12. For the reasons set out above and having regard to all matters raised, I conclude that the appeal should succeed.
13. Other than the standard time limit condition, the Council has suggested conditions be imposed that require the external materials to be used in the construction of the extension to match those of the existing building and that the development be carried out in accordance with the submitted plans. I consider these conditions necessary in the interests of preserving the character of the area and the living conditions of surrounding residents.

C J Tivey

INSPECTOR