



Appeal Decision

Site visit made on 13 November 2024

by Eleni Marshall BSc (hons) MSc FRICS FAAV MRTPI

an Inspector appointed by the Secretary of State

Decision date: 20th November 2024

Appeal Ref: APP/F1610/D/24/3349811

Bryn House, Gloucester Road, Andoversford, Gloucestershire, GL54 4HR

- 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 Sally Mundinano against the decision of Cotswold District Council.
 - The application reference is 24/00568/FUL.
 - The development proposed is proposed annexe.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are the impact of the proposal upon i) the character and appearance of the area including the visual amenity of Coln Rise and ii) the Cotswold Beechwoods Special Area of Conservation Zone of Influence.

Reasons

Character and appearance

3. The appeal site forms part of the garden at Bryn House and the proposal would be located to the rear of the host dwelling within a large garden which borders the River Coln to the rear southeastern boundary. The appeal site is located within the development boundary of Andoversford which is a principle settlement with the Cotswold District. The proposal seeks permission for the construction of an annexe in the rear garden for utilisation by family of the appellant.
4. The Council's delegated report confirms that the principle of development is likely to be acceptable and I have, therefore, considered that the proposal (for an annexe) could be acceptable in principle within a settlement boundary, but that this is subject to scale, form and position of any proposals being appropriate for both the host dwelling and the character and appearance of the site and surrounding area. The proposal is noted to be located close to the host dwelling and, from my site visit, I find it is unlikely that the proposal could (for example) reasonably be separated off in the future with opportunities to create a separate, independent, access being extremely limited.
5. The plans before me, noted to have been amended during the application process with a kitchenette, I find to show an extensive unit which I consider to be of a scale which is more representative of a new independent dwelling to the rear of the host dwelling. A residential annexe should be in use as part of a dwelling's normal facilities, more akin to an extension, forming an integral part

- of the ordinary residential use as a dwelling house. The use should be part and parcel of the dwelling house rather than being incidental or ancillary and, in this case, it is the scale and footprint of the proposal which I find supports the proposal would be, as submitted, an unacceptable form of development.
6. Whilst the proposal would be single storey, I do not find that the overall scale would be sufficiently subordinate to the two-storey main dwelling house. The scale, in terms of footprint of the proposal, I find to be not incomparable to the footprint of the main house and whilst I acknowledge that the proposal is single storey by comparison, I find that the resultant scale, form, and appearance would represent an unacceptable form of back land residential development which I find would harm the character of the site and the surrounding area as well as being of too large a scale and visual contrast to the host dwelling itself.
 7. I understand that the proposal has been designed with the possible need for a wheelchair in the future, however, the proposal before me would exist in perpetuity and beyond the lifetime of its currently intended users so, whilst I have taken this into account, this does not outweigh the harm I have identified as a result of the currently proposed scale. I find that it is likely that the appellant's requirements now, and in the future (in terms of home working, home gym or accommodation for guests), could likely be reasonably achieved with something of more modest scale appropriate to the host dwelling and site.
 8. I have considered the imposition of conditions for example to require occupation of the proposal in connection with the host dwelling and requiring submission of materials prior to work above ground level, to allow these to be more appropriately selected, however, the use of such conditions would not overcome my concern as to scale and form as outlined.
 9. The appeal site benefits from close boarded fencing as boundary treatment and a number of trees are noted to lie adjacent to the fence within the residential garden which borders, to the north, Coln Rise. The first refusal reason also references impact to the appearance of the surrounding area, however, as part of my site visit, I did view the appeal site from the adjacent Coln Rise and found that whilst views of the roof would be visible/possible, over the close boarded fencing, I do not find that impact to the appearance of the area along Coln Rise would necessarily be sufficient to warrant refusal in the context of the general built form which it would be viewed.
 10. I note, within the appellant's Statement of Case, that examples of other developments have been included (on an annotated aerial map). Beyond this annotated aerial imagery, however, no further details of the proposal have been provided in terms of (for example) the decision notices, approved plans or Council delegated reports giving the reasoning for the permissions stated to have been granted. Notwithstanding this I note, from the reference numbers provided, that some of the permissions noted were likely granted prior to the Cotswold District Local Plan 2011 -2031 (adopted August 2018) (LP) and National Planning Policy Framework 2023 (the Framework) and I would consider that some proposals differ materially from the proposal which is before me with some being for new build dwellings (and not an annexe).
 11. The proposal would be contrary to LP Policy EN1 which requires proposals to complement the character of the area, LP Policy EN2 which outlines that proposals should be of a design quality that respects the character of the locality and LP Policy EN4 which seeks to enhance, restore and manage

settlement patterns. The proposal would also be inconsistent with section 12 of the Framework which seeks to ensure that developments function well and add to the overall quality of the area.

Cotswold Beechwoods Special Area of Conservation Zone of Influence

12. The appeal site stands within the identified zone of influence of the Cotswolds Beechwoods Special Area of Conservation (SAC). There is a requirement, therefore, to assess whether any development proposals within this zone could harm the biodiversity value of the SAC. The Council acknowledges that the proposal is for the use of extended family members, however, set out that development would need to include a package of avoidance and mitigation measures to demonstrate that the adverse effects (in perpetuity) are avoided. The Biodiversity Officer comments confirm that there would be a requirement for a signed S111 agreement/form to enable the Council to undertake a Habitat Risk Assessment for the purpose of the Habitat regulations. The appellant's statement of case does not dispute the requirement for mitigation as a result of the proposal being located within the SAC zone of influence.
13. The Council acknowledge that the appellant submitted a signed S111 form, however, it is stated that the form had been filled out incorrectly. I note the appellant's comments, within their statement of case as well as inclusion of an email from the Case Officer thanking the appellant for the signed S111 document, however, such acknowledgment of receipt does not evidence that the relevant agreement was correctly completed meaning that the Council were unable to undertake appropriate assessment based upon the form received.
14. Even if I had disagreed with the second reason for refusal, the appeal would still have failed due to my findings against the first main issue outlined above. Based upon the information before me the application site is located within the Cotswold Beechwoods SAC where such proposals can result in increased pressure on the SAC. In the absence of a correctly completed S111 agreement the proposal is unable to be appropriately assessed meaning that a package of avoidance and mitigation measures, to avoid the adverse effects rising from the additional accommodation, has not been secured.
15. On this basis the proposal would be contrary to LP Policy EN8 which seeks to conserve and enhance biodiversity and geodiversity and LP Policy EN9 which seeks to ensure that proposals do not adversely affect nature conservation interests, and that necessary compensation is provided.

Other Matters

16. I note objections to the proposal received during the consultation period. The Council do not raise any refusal reason based upon neighbouring residential amenity with noise, or sunlight, and I have no reason to conclude differently on this matter from the evidence before me or my site visit.
17. I have dealt with matters relating to character within the first main issue of this appeal. Regardless of the number of vehicles the appeal site is able to accommodate the Council have raised no refusal reason based upon highways/parking – the proposal would be utilised by a family member, with an annexe generally being akin to an extension, and I do not find there is sufficient evidence to reasonably uphold a refusal reason based upon highways or parking provision in this case.

Conclusion

18. For the reasons outlined above, and taking into account all other matters raised, I conclude that the appeal should be dismissed.

Eleni Marshall

INSPECTOR