



Appeal Decision

Site visit made on 30 December 2024

by J Somers BSocSci (Planning) MA (HEC) MRTPI IHBC

an Inspector appointed by the Secretary of State

Decision date: 28 January 2025

Appeal Ref: APP/F1610/D/24/3347915

Rondo House, Vine Court, High Street, Mickleton GL55 6SA

- 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 Ms Gayle Gregory against the decision of Cotswold District Council.
 - The application reference is 23/02831/FUL.
 - The development proposed is described on the Application Form as 'Proposed conversion of double garage to annexe with installation of roof dormer.'
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Decision

1. The appeal is dismissed.

Main Issue

2. The main issue is the effect of the proposal upon:
 - The character and appearance of the host building and the surrounding locality, with special attention to the Mickleton Conservation Area (CA); and
 - The living conditions of Regent House, with particular regard to privacy.

Reasons

Character and Appearance, including Conservation Area considerations

3. Whilst the appeal documents do not contain an appraisal of the significance of the CA, from my own observations the Conservation Area appears to encapsulate much of the historic core of the village which appears to extend along High Street, Mill Lane and Chapel Lane. The curved streets contain a number of historic buildings, many listed that date from the seventeenth, eighteenth and nineteenth centuries. There is a clear hierarchy and status with the buildings, with the more functionally designed box timber framed thatched buildings with no setback from the street to the larger Cotswold stone buildings which have a higher status in their design and positioning with their setback from the street with the plots aligned with large stone boundary walls that emphasise status. These elements together with the winding nature of the High Street along with the street trees in front gardens, boundary hedging, the use of traditional materials emphasise a picturesque village experience that reinforces some of the positive qualities within the locality that reinforce local character and distinctiveness.
4. Whilst most of the main buildings and development is located fronting the road edge, to the rear of dwellings there is evidence of smaller scale development such as outbuildings and small cul-de-sacs that have been created to provide access to

new buildings to the rear which tend to be of a lower scale and hierarchy compared to that found along the main streets.

5. The appeal site displays a number of positive qualities which are experienced within the locality, and is one of the newer built developments which consist of a development of Regent House and Rondo House, both of which are two storey buildings and smaller garage to the rear access from a cul-de-sac. I disagree with the Appellant's Statement of Case (SoC) which states that the appeal site and Regent House are a 'replication of a traditional manor type property' as to me, the buildings have more of an appearance of trying to emulate barn style and workers cottage type developments to the rear which would appear to follow a lower hierarchy than the buildings found along the street. The design and layout of the two dwellings including the appeal site is evidence of this with its functional type of design, small dormer windows which evidence that it is at a higher hierarchy than the small single storey functional garage within its forecourt. Whilst the appeal building is constructed in quality materials, it has a neutral contribution to the character and appearance of the CA.
6. Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (PLBCA), in respect of development affecting conservation areas, states that special attention shall be paid to the desirability of preserving or enhancing the character and/or appearance of the area. In undertaking extensions and alterations to existing buildings, the Cotswold District Local Plan (LP) Policy EN2 contains a number of design principles which together with Appendix D of the policy seeks that development provides a strong sense of place and raise the quality of design with considerations around landscape, urban form, character, massing, scale, bulk, height, context amongst others. LP Policies EN10 and EN11 are specifically related to the historic environment and designated heritage assets and seeks to ensure development conserves or enhances heritage assets such as Conservation Areas, and seeks a number of considerations to preserve and enhance the significance of heritage assets.
7. Given the discussion around hierarchy and status of buildings within this locality, the garage whilst also part of the modern development, is at the lowest end of the hierarchy of the buildings. The building is functional in design and does not seek to compete with or dominate surrounding buildings in its current form. Whilst confined to the existing roof plane, the proposed dormer window extension is very wide and tall and has an appearance of a roof extension rather than what could be described as small dormer windows which in a traditional sense were designed to be small, proportionate to the roof and elevate the status of a building. I appreciate the explanation as to the design rationale behind the design which seeks to provide additional and functional accommodation, however the result is unsuccessful and appears to have been developed in isolation to the existing and surrounding built form. The proposal would be disproportionately bulky and would dominate the form and appearance of the roof form of the garage, and would upgrade the status of the building which would have an inauthentic appearance within this CA.
8. Whilst I appreciate that the dormer window does not exceed 50% of the roof plane, this is not a black and white determinant to acceptability, with one having to take account of the existing design, context, hierarchy and proportions into account as per the policy and associated Cotswold Design Code. The comments in the Appellant's SoC around what is appropriate in terms of complying with the General

Permitted Development Order (GPDO) are not relevant as to what would be acceptable. Given the designation within a CA this requires further bespoke and special considerations which are not always easy to quantify and this is why acceptable percentage increases or volume increases are inappropriate and that increases below what is specified in the GPDO may still be inappropriate.

9. I also appreciate comments that there is evidence of other roof extensions and dormer windows within the CA as shown in the Appellant's SoC. However neither of these examples replicate the scale or massing of the proposed dormer roof extension or contain a similar relationship where the dormer is located on a smaller subservient detached building. Taking this into account, the other examples specified do not provide additional justification that the proposal would be appropriate.
10. I also appreciate comments that the dormer would be to the rear of the High Street and not readily visible within the public realm; however the duty under Section 72, (or considerations under LP Policies ENV2, ENV10, ENV11) is not limited to what can be seen from a public vantage point, and that just because the dormer might not be highly visible to the public realm, does not mean that harm cannot occur.
11. Taking the above into account and in conclusion of this matter the proposal due to its form, bulk, massing and change in hierarchy would not be an appropriate architectural approach and the scheme would therefore be contrary to LP Policies ENV2, ENV10 and ENV11 as described previously. It is clear to me that the proposed dormer would unacceptably harm the character and appearance of the existing building and the greater locality that is important to the significance of the CA thus failing to preserve the character and appearance of the wider CA and the duty under s72 of the PLBCA.
12. Although serious, the harm to the heritage asset in this case would be 'less than substantial,' within the meaning of the term in paragraph 215 of the Framework. Paragraph 213 of the Framework states that any harm to, or loss of, the significance of a designated heritage asset requires clear and convincing justification. Paragraph 215 of the Framework requires that, where a proposal would lead to less than substantial harm, the harm should be weighed against the public benefits of the proposal.
13. There are some public benefits, such as the economic benefits from short term employment opportunities from the construction of the proposed scheme and also the increased living space for the existing occupiers which attracts low weight. However, these benefits are not sufficient to outweigh the harm caused to the CA, in which I attach great weight.
14. I therefore find that the public benefits arising from the proposed development would not outweigh the harm I have identified. The scheme therefore conflicts with the Framework, which directs, at paragraph 212, 'that great weight should be given to the asset's conservation ... irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to their significance.'

Living Conditions

15. Travelling up the Cul-de-sac of Vine Court the appeal site of Rondo House is the closest dwelling with the neighbouring Regent House situated furthest away with both dwellings being positioned side-on to Vine Court with Regents House set

forward a few metres from Rondo House. The proposed dormer window would be situated on the front roof plane of the garage building which is positioned to the front of Rondo House and facing the forecourt area. As Rondo House is positioned a few metres behind the main dwelling of Regent House, there is a small gap of a few metres wide which allows some limited light to the rear garden of Regent House. Given the positioning of the dormer window, the concerns revolve around overlooking opportunities of this small gap to the rear private garden of Regent House.

16. The garden of Regent House is relatively small and contains an outbuilding to the rear. According to the Council Officer's report, the dormer would be placed approximately 14 metres from the side boundary wall of Regent House. The proposed dormer window would increase the perception of overlooking from the rear garden of Regent House, however would be limited to more of a glimpse through the gap which would not be readily apparent from the neighbouring occupiers.
17. I am also aware that conditions could be placed in order to obscure glazing, however a balance needs to be struck between the effect that this causes to the appearance of the building, this being its main façade with opaque glazing providing an inferior appearance.
18. Taking the above into account, whilst there would be increased perception of overlooking caused by the proposed dormer, it would be limited to the small gap and would not be to the extent that it would cause detrimental harm to the living conditions of Regent House. As such, and in conclusion of this matter, the proposal would not be contrary to LP Policy EN2 which seeks that development not cause harm to living conditions of surrounding occupiers.

Other Matters

19. Section 66 of the PLBCA prescribes a duty upon a decision maker to give special regard to the desirability of preserving the significance of a listed building or its setting. It is noted that the Council did not consider that the proposal impacted the significance of nearby listings from development within their setting. I have no reason to doubt this assessment, and conclude that the proposal would cause neutral harm to the significance of surrounding listings.

Conclusion

20. Whilst I have agreed with the Appellant with regards to the matter concerning living conditions, when considered as a whole together with relevant material considerations, this is not enough to outweigh the clear conflict with character and appearance and the duty with regards to the Conservation Area. For these reasons, and having considered all matters raised in evidence and from what I saw during my site visit, I conclude that the appeal should be dismissed.

J Somers
INSPECTOR