



Appeal Decision

Site visit made on 7 January 2025 by N Manley BA (Hons) MSc

Decision by S Edwards BA MATCP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 14th March 2025

Appeal Ref: APP/B1605/D/24/3354638

60 Severn Road, Cheltenham, Gloucestershire GL52 5PX

- 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 Ellen Garbutt against the decision of Cheltenham Borough Council.
 - The application Ref is 24/01502/FUL.
 - The development proposed is a two storey extension and loft conversion.
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Decision

1. The appeal is dismissed.

Appeal Procedure

2. The site visit was undertaken by a representative of the Inspector whose recommendation is set out below and to which the Inspector has had regard before deciding the appeal.

Preliminary Matters

3. A new version of the National Planning Policy Framework (the Framework) was published in December 2024. Whilst I have had regard to the revised national policy as a material consideration, planning decisions must still be made in accordance with the development plan unless material considerations indicate otherwise. In this instance, the issues most relevant to the appeal remain unaffected by the revisions to the Framework. I am therefore satisfied that there is no requirement to seek further submissions on the revised Framework, and that no party would be disadvantaged by such a course of action.

Main Issues

4. The main issues are the effect of the proposal on:
 - The character and appearance of the host property and the surrounding area; and
 - The living conditions of the occupiers of 76 Wyman's Road (no 76) with particular regard to outlook and privacy.

Reasons for the Recommendation

Character and appearance

5. 60 Severn Road (no 60) is a two-storey, semi-detached dwelling situated on a triangular-shaped plot north of the junction between Severn Road and Wyman's Road. As a result of its position, its front and southern side elevation are highly

prominent from the street scene. No 60, and its adjoined semi-detached neighbour feature a combination of brick and render finishes. Surrounding properties share similar designs, materials and layouts, creating a cohesive rhythm and pattern in the area's overall development.

6. Given the prominent location of no 60, the proposed setback of the development would be insufficient to meet the required depth outlined in the Cheltenham Local Development Framework Residential Alterations and Extensions Supplementary Planning Document (2008) (SPD), which states that side extensions should be recessed by at least one metre from the front elevation. As a result, this insufficient set back, coupled with the overall size and scale of the proposed side extension would result in a proposal which would fail to appear sufficiently subordinate to the host property, resulting in a development which would appear excessively large and dominating when compared to the original character of the host property.
7. While I acknowledge that the scheme has been reduced in size compared to a previous application, the inadequate setback depth would, from certain angles, give the impression of a continuous front façade. This would harm the character and appearance of the host property, visually unbalancing the semi-detached pair to which no 60 belongs, resulting in a discordant development that would disrupt the cohesive design and layout of the surrounding area.
8. The appellant has cited several recently approved proposals in the vicinity with setbacks similar in depth to the one proposed here. However, I have not been provided with full details of the circumstances under which these developments were approved, so I cannot be certain they offer a direct comparison to the appeal proposal before me. As a result, I have ascribed limited weight to these examples.
9. Additionally, the proposed rear dormer, due to its overall size and positioning, would fail to maintain a sense of subservience to the existing roof. Consequently, the dormer would dominate the rear elevation, resulting in a top-heavy and bulky appearance that would be highly visible from the street and incongruous with the surrounding roofscape, harming the character and appearance of the host property and wider area. Additionally, no details have been provided regarding the dormer's finishing materials. The use of unsympathetic or inappropriate materials could further increase the undue prominence of the dormer within the street scene, exacerbating the impact of the development.
10. I therefore conclude the proposed development would have a detrimental effect on the character and appearance of the host property and the surrounding area. It would, therefore, conflict with Policies D1 of the Cheltenham Plan (2020) (CP), SD4 of the Gloucester, Cheltenham and Tewkesbury Joint Core Strategy (2017) (JCS) and paragraph 135 of the Framework. Amongst other things, these seek to ensure development complements the character and responds positively to the mass and form of a locality, does not cause harm to the architectural integrity of the building and are sympathetic to the surrounding built environment. Furthermore, it also conflicts with the SPD, which not only outlines specific guidance for the depth of a setback but also aims to ensure that development relates to the character of the building and its immediate surroundings.

Living Conditions – Outlook and privacy

11. No 76 is a semi-detached property of a similar design to that of the appeal property. Located to the west of no 60, it occupies a similarly triangular-shaped plot, with its

rear garden stretching directly behind no 60. A reasonable degree of separation would be retained between the proposed extension and no 76, and its siting would ensure that overall, the addition does not adversely affect the outlook for these neighbouring residents.

12. However, the extension includes a first floor window serving a habitable room which, together with the window and French doors set within the proposed dormer, and due to the orientation of the appeal property, would enable its occupiers to directly overlook a large part of no 76's garden. Given the diagonal layout of the plots, the proposal would result in an unneighbourly form of development, causing an unacceptable loss of privacy for the occupiers of 76 and diminishing their ability to enjoy their rear amenity space.
13. Whilst it has been suggested any undue overlooking could be mitigated by using obscured glazing, I do not consider this an appropriate solution. The windows in question would serve a habitable room where clear glazing should be expected to ensure satisfactory living conditions for current and future occupants.
14. It has been put to me the proposal could be amended to show a dressing room at the rear, rather than a bedroom. However, I have not been provided with any revised plans. In any case, it is important that what is considered by the Inspector at appeal is essentially the same scheme that was considered by the Local Planning Authority and by interested parties at application stage.
15. Additionally, I note the appellant has argued that the dormer window would be positioned farther away than the windows on 74 Wyman's Road (no 74), the adjoining property to no 76. However, while the windows of no 74 allow for overlooking that is typical of a semi-detached property, the proposed dormer, due to its size, height and perpendicular positioning in relation to no 76, would be considerably more harmful to the living conditions of the neighbouring properties when compared to the existing windows on no 74.
16. The appellant has suggested a dormer could be built under permitted development rights. However, no evidence has been provided to demonstrate this or suggest the appellant intends to construct such a dormer should this appeal be unsuccessful. In the absence of further details of this hypothetical fallback position, I cannot be certain that it is more than merely a theoretical prospect and I therefore cannot establish whether it would have a similar or more harmful impact than the appeal proposal before me. Consequently, I have given limited weight to this position.
17. Whilst the proposal would not adversely affect the outlook of the occupiers of no 76, it would cause unacceptable harm to their living conditions with regard to privacy. It would therefore be contrary to Policies SL1 of the CP, SD14 of the JCS and paragraph 135 of the Framework. Collectively, these require development to not cause harm to the living conditions of neighbouring occupants and provide a high standard of amenity for existing and future users.

Other Matters

18. Concerns were raised regarding an issue with the boundary and fence line between no 60 and no 76. However, ownership and boundary issues are a private matter between relevant parties and do not fall within the scope of a section 78 planning appeal for me to deal with.

Conclusion and Recommendation

19. For the reasons given above, the proposal would result in harm to the character and appearance of the host property and surrounding area and the living conditions of no 76. Consequently, and having had regard to all other matters raised, I recommend that the appeal should be dismissed.

N Manley

APPEAL PLANNING OFFICER

Inspector's Decision

20. I have considered all the submitted evidence and my representative's recommendation and on that basis the appeal is dismissed.

S Edwards

INSPECTOR