



Appeal Decision

Site visit made on 17 June 2025

by N Robinson BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 01 July 2025

Appeal Ref: APP/G1630/D/25/3359629

Darrel Ley, Lye Lane, Cleeve Hill, Cheltenham, Gloucestershire GL52 3QD

- 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 Arturas Parchomciuk against the decision of Tewkesbury Borough Council.
 - The application Ref is 24/00731/FUL.
 - The development proposed is extension and alterations
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Decision

1. The appeal is dismissed.

Preliminary matters

2. The appellant's statement of case proposes possible alternative options to the scheme considered by the Council. However, the full details of these amendments are not before. I have therefore determined the appeal on the basis of the plans considered by the Council.

Main Issues

3. The main issues are the effect of the proposal on:
 - the living conditions of the occupiers of neighbouring properties with particular regard to overlooking; and
 - the character and appearance of the host dwelling and the surrounding area.

Reasons

Living conditions

4. The appeal site comprises a detached pitched roof bungalow located on Lye Lane on the hillside of Cleeve Hill. Land levels slope steeply uphill towards the east. The proposal is for extensions and alterations to the existing property resulting in a 2-storey flat roof dwelling.
5. The appeal site is elevated above the neighbouring property Huddlestone. Given the amount of separation between the dwelling and the windows and private garden spaces associated with Huddlestone, there would be limited opportunities for overlooking of this property from the terrace or the windows facing this property. Cheesecake Well Cottage is elevated above the site to the northeast and, given the separation between these 2 dwellings, the proposal would not result in opportunities for overlooking of this property or its associated garden.

6. However, whilst the dwelling would be set at a lower level than Lye House, and whilst there would be no overlooking from the proposed ensuite, WC or utility room windows or the glazing to the hall/stairway, the proposed kitchen window would result in direct overlooking of the bedroom window of Lye House and the garden to this property. Whilst noting that there is mature vegetation along this boundary, in my opinion this would fail to fully screen these views, and overlooking would occur above this vegetation. In any case, it appears that this hedge lies outside of the site, and I cannot be assured that it would be retained in its current form in perpetuity, or that this matter could be controlled by condition. Therefore, any screening afforded by the existing boundary vegetation cannot be relied on to safeguard the occupiers of Lye House against the harmful effects of overlooking from the development.
7. Whilst I have found that the living conditions of the occupiers of Cheesecake Well Cottage and Huddleston would not be adversely affected by the proposal, the privacy of the occupants of Lye House would be compromised through overlooking. Thus, the proposal would have a harmful effect on the living conditions of the occupiers of this property. Conflict therefore arises with those aims of policy SD14 of the Gloucester, Cheltenham, and Tewkesbury Joint Core Strategy (2017) (JCS) and policy RES10 of the Tewkesbury Borough Local Plan (2022) (LP) which seek to ensure that new development cause no unacceptable harm to local amenity including the amenity of neighbouring occupants.

Character and appearance

8. Dwellings on Lye Lane and the surrounding area comprise a mixture of contemporary and traditional dwellings of varying architectural styles set within substantial plots. This, along with mature planting to property boundaries results in a pleasant, varied and verdant character and appearance to the area. The appeal property comprises a modest bungalow.
9. The proposed dwelling would be larger than the existing property and the modern flat roof design and palette of materials would contrast markedly with the existing modest pitched roof form. Nonetheless, the dwelling would be of a scale commensurate with the scale of dwellings in the surrounding area and would not appear excessive within the plot. Given the variety of dwelling designs in the surrounding area, the design and palette of materials would not appear incongruous within the site setting.
10. In light of the above, whilst the design and scale of the dwelling would differ from that of the host property, the proposal would respond positively to its surroundings and there would be no harm to the character and appearance of the host dwelling or the surrounding area. Therefore, in relation to character and appearance, I find no conflict with those aims of JCS policy SD4 or LP policy RES10 which seek to ensure that extensions are appropriately scaled and designed and respond positively to the site and its surroundings.

Other Matters

11. The appeal site is located in the Cotswold National Landscape (NL), in which the National Planning Policy Framework (the Framework) sets out that great weight should be given to conserving and enhancing landscape and scenic beauty. The Council found that the proposal would not result in harm to the landscape and scenic beauty of the NL and based on the information before me and my

observations on site I see no reason to take a different view. Nonetheless, compliance with the Framework and the relevant development plan policies on this matter would be required in any case, therefore, this matter weighs neutrally, rather than in favour of the proposal.

12. The proposal would incorporate a sedum green roof, the dwelling would be upgraded to improve energy efficiency and the materials from the existing dwelling would be recycled for use on and off the site. There would be short-term economic benefits associated with construction. These factors weigh in favour of the scheme.
13. The appellant states that the Council's officer report contains several misinterpretations with regards to the building's orientation. However, I am tasked with determining the appeal before me, and for the reasons set out above I have found that the proposal would result in a harmful effect on the living conditions of the occupiers of Lye House and that conflict with JCS policy SD14 and LP policy RES10 therefore arises.

Conclusion

14. I find in favour of the appeal proposal in relation to the issue of character and appearance. However, I have found that the proposal would result in harm to the living conditions of the occupiers of Lye House. Therefore, for the reasons given above, having considered the development plan as a whole, along with all other relevant material considerations, I conclude that the appeal should be dismissed.

N Robinson

INSPECTOR