



Appeal Decision

Site visit made on 17 July 2025

by **Martin Andrews MA(Planning) BSc(Econ) DipTP & DipTP(Dist) MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 04 August 2025

Appeal Ref: APP/F1610/D/25/3364986

16 Albion Street, Stratton, Cirencester, Gloucestershire GL7 2HT

- 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 Mr M Chicken against the decision of Cotswold District Council.
 - The application Ref. is 25/00129/FUL.
 - The development proposed is a rear extension to 16 Albion Street to recreate the previous 2nd bedroom and enable a habitable kitchen and an improved EPC rating.
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Decision

1. The appeal is allowed, and planning permission is granted for a rear extension to 16 Albion Street, Stratton, Cirencester GL7 2HT to recreate the previous 2nd bedroom and enable a habitable kitchen and an improved EPC rating, in accordance with the terms of the application, Ref. 25/00129/FUL, and the plans submitted with it, subject to the conditions in the attached Schedule.

Main Issue

2. The main issue is the effect of the proposed development on the living conditions of neighbouring occupiers as regards privacy.

Reasons

3. The appeal scheme is the latest of several hitherto unsuccessful proposals to provide additional accommodation at the property and improve existing facilities to a modern-day standard. The most recent decision was made at appeal under reference APP/F1610/D/24/3345578, dated 18 September 2024. The Officer's Report describes the appeal building, the latest proposal and its context.
4. As regards privacy, the Report refers to paragraph D.67.1(p) of the Cotswold Design Code which advises of a minimum distance between the facing windows of two storey dwellings. The Report observes that the distance in this case between the proposed bedroom window and existing facing rear windows in the dwellings opposite in Cheltenham Road would be below the Council's adopted standards. In this regard there is a specific reference to No.7.
5. However, this is a high-density area within Cirencester and existing distances between facing rear windows are already well below the minimum specified in the Design Code, often because of extensions to the original buildings. The Officer's Report acknowledges that '*there is a significant existing level of mutual overlooking between the neighbouring dwellings*'. One example is the extended rear gable of the adjacent No. 14 Albion Street which includes a bedroom window with views

towards the houses in Cheltenham Road. However, in this appeal the proposed gable extension to No. 16 would have a smaller floor area than the other extensions and with a projection of only 2.2m would be set further back.

6. This favourable comparison notwithstanding, the previous application for No. 16, Ref. 24/00390/FUL dismissed at appeal, included external louvres to restrict overlooking from the proposed bedroom and is again proposed in this revised scheme. However, I disagree with the Council's assessment that these would be ineffective and that their retention *'is considered not to be reasonably enforceable'*.
7. Any removal of the external louvres would be readily apparent to residents living opposite and as a physical structure within the window recess but on the outside wall, its reinstatement is a straightforward enforcement matter if the planning permission for the whole scheme includes a suitably worded condition as to its permanent retention.
8. Although the Inspector for the previous appeal application dismissed the appeal because of its more contemporary design, they also found on the issue of residential amenity, including the effect of development on the privacy for neighbours, that *'the proposal would not conflict with Policy EN2 of the LP or the Framework, insofar as they seek to protect residential amenity'*,
9. I acknowledge that this finding included the effect on outlook from the houses opposite and that there are differences between that proposal and the appeal application as regards window design and position. However, having compared the two schemes I consider that as regards overlooking from the extension's windows the applications are essentially the same in terms of distance and inter-visibility. On this basis I take the view that the Council's failed to give appropriate weight to the previous Inspector's conclusion on what equates to the main issue in this appeal.
10. I note that the occupier of No. 18 Albion Street is also concerned that there would be overlooking of the rear garden of that dwelling from windows in the side elevation of the extended No. 16. However, I consider that a condition as regards opaque glazing and restricted opening, if necessary to safeguard privacy, could ensure that this does not occur.
11. Finally, the appellant has a fallback position in terms of his permitted development ('PD') rights. These are shown in the drawings prepared for the Certificate of Lawfulness dated 3rd October 2024. I consider that if this appeal were to be dismissed, it is likely that the PD scheme would be implemented given the urgent need to upgrade the property and make it habitable. And in this event, I am of the view that the effect on the living conditions for nearby occupiers in terms of overlooking would be significantly greater than in the current proposals.
12. For the reasons explained above, I therefore find that the proposal would not be in unacceptably harmful conflict with Policy EN2 of the Cotswold District Local Plan 2011-2031 adopted 2018, or with paragraph 135(f) of Government policy in the National Planning Policy Framework, revised December 2024.
13. I shall therefore allow the appeal. A condition requiring the extension to be constructed using external materials to match the existing property will safeguard visual amenity. A condition requiring the development to be carried out in accordance with the approved plans is needed for the avoidance of doubt and is in the interests of proper planning. A condition to ensure that the external louvres are

retained permanently will safeguard the privacy of adjoining occupiers, as will a condition stipulating the Council's prior approval of the fenestration details in the side elevation facing the flank of No. 19 Albion Street.

Martin Andrews

INSPECTOR

SCHEDULE OF CONDITIONS

- 1) The development hereby permitted shall begin not later than three years from the date of this Decision;
- 2) 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;
- 3) The development hereby permitted shall be carried out in accordance with the following approved plans: Site Location Plan and Drawing Nos. 100-11 Rev. 03; 100-12 Rev. 04 & 100-13 Rev. 04;
- 4) The development hereby approved shall not be occupied until the fixed external louvres have been fully installed and are in working order. The fixed external louvre shall thereafter be permanently retained and maintained in that form at all times;
- 5) The proposed windows in the upper side elevation of the building facing the rear curtilage of 18 Albion Street shall be retained / installed in accordance with details first submitted to and approved in writing by the Local Planning Authority. These windows shall thereafter be permanently retained in that form.