



Appeal Decision

Site visit made on 4 November 2025

by K Townend BSc MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 21 November 2025

Appeal Ref: APP/B1605/W/25/3372009

34 Churchill Drive, Charlton Kings, Cheltenham, Gloucestershire GL52 6JJ

- 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 Louise Costello against the decision of Cheltenham Borough Council.
- The application Ref is 25/00254/FUL.
- The development proposed is two 1-bedroom dwellings.

Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are:
 - the effect of the development on the character and appearance of the area; and
 - the effect of the development on the integrity of the Cotswolds Beechwoods Special Area of Conservation (SAC).

Reasons

Character and appearance

3. The appeal site comprises part of the garden to the rear of the host dwelling, 34 Churchill Drive. The host dwelling is a semi-detached, two-storey, house within the Principal Urban Area of Cheltenham. The immediate area is predominantly semi-detached houses which front the roads, providing a consistent building line and similar sized rear gardens. This character is also respected by the new housing built recently on Haywards Road, at the end of Churchill Drive which, although have limited rear parking, have been built to front the road.
4. The appeal proposes the erection of two number one-bedroom dwellings to the rear of the host dwelling with access to the side of the existing house and an area for parking of two cars in-between. The building proposed would fill most of the width of the rear garden, would be single storey with a part flat roof and part mono-pitched roof and windows in the front and rear elevations.
5. The existing road frontage houses, the consistent set-back from the road and the good sized gardens, sets the grain of the area and creates attractive streetscapes, contributing positively to the character of the area. The appeal proposal would, by being built behind the host dwelling, not front a road. The scale and width of the development would also, by filling most of the width of the rear garden, appear cramped and contrived. It would, therefore, disrupt the prevailing grain of the area

and would not integrate well with the context and character. It would be incongruous in the area and would fail to make a positive contribution to the street scene.

6. The Cheltenham Local Development Framework - Development on Garden Land and Infill Sites in Cheltenham Supplementary Planning Document, June 2009 (the Garden Land SPD) defines garden land development as that within either the front or rear garden of existing properties, or both. The Garden Land SPD does not seek to prevent development on gardens; however, it does seek to ensure that any such developments are appropriate and respect the character of the area. The appeal proposal would not respect the grain of the area and, even though it is now two dwellings rather than one, would also result in a form of tandem development similar to that which is resisted in the Garden Land SPD.
7. The appellant has referred to other outbuildings within the gardens of properties in the area and identified several within their statement of case. Although there are some large outbuildings, including a building in the garden of the property backing onto the appeal site, most outbuildings are smaller than the appeal proposal and clearly ancillary or incidental to the dwellings. I have not been provided with any compelling evidence of any other buildings that are as large as the appeal proposal or any that are used as separate dwellings such as is proposed.
8. My attention was also drawn to two dwellings built behind an existing house on Arle Road which I saw while in the area. These properties are of a similar scale and design as the appeal before me. However, the Arle Road development is in a different part of Cheltenham with a different urban grain where there are other large buildings and houses set behind the road frontage properties. Furthermore, unlike the appeal site before me, the Arle Road area has irregular building lines and garden sizes. I also do not have the full details of that scheme to fully understand why it was approved. Nevertheless, the Arle Road development is materially different to the appeal scheme before me.
9. The appellant contends that there is a fallback position of constructing an outbuilding to be occupied as an annexe to the host dwelling. The appellant asserts that this fallback should be considered in assessing the appeal proposal. I have had regard to the relevant caselaw¹. However, I have no compelling evidence that a building of a similar size to that proposed in the appeal would be reasonably required for purposes incidental to the enjoyment of the dwellinghouse, especially as the appeal proposal provides for two independent dwellings. Moreover, I have no lawful development certificates for such proposals. This leads me to conclude that I have no compelling evidence that the development of an outbuilding as an annexe would be delivered, and there is no “real prospect” of the fallback position advanced being implemented. I have therefore given this little weight in coming to my conclusions.
10. For the reasons given above, I find that the appeal proposal would result in a form of development that would not be in keeping with the surrounding built form and would have an unacceptable adverse effect on the character and appearance of the area. It would, therefore, be contrary to Policy SD4 of the Gloucester, Cheltenham and Tewkesbury Joint Core Strategy 2011-2031 (the JCS) which seeks to ensure that new development responds positively to, and respects the

¹ Mansell v Tonbridge and Malling BC & others [2017] EWCA Civ 1314

character of, the site and its surroundings, enhances local distinctiveness, and addresses the urban structure and grain of the locality in terms of street pattern and layout.

11. For the same reasons, the proposal would also fail to comply with Policy D1 of the Cheltenham Plan, adopted July 2020 (the CP) which requires development to complement and respect neighbouring development and the character of the locality.

Special Area of Conservation

12. The appeal site lies within the zones of influence for the Cotswold Beechwoods Special Area of Conservation (SAC) and the effect of the development on the SAC was included as a reason for refusal. The appeal scheme would result in a net increase in residential accommodation which could result in adverse effects upon the integrity of the SAC through increased recreational use.
13. As the competent decision-making authority, if I had been minded to allow the appeal, I would need to examine these matters further and undertake an Appropriate Assessment of the implications of the appeal scheme upon the SAC. However, as I am dismissing the appeal on other main issues, the outcome of an assessment would have no bearing on the overall outcome of the appeal. Therefore, it is not necessary for me to consider this further.

Other Matters

14. The Council states that it is not able to demonstrate a five-year supply of deliverable housing sites. Paragraph 11(d) of National Planning Policy Framework (the Framework) therefore applies.
15. The appeal proposal would deliver two new dwellings and would, therefore, contribute towards boosting the supply of housing, as promoted by the Framework. There would also be general social and economic benefits of building new houses, especially in an area that is close to services and facilities, accessible by foot, cycle, and public transport. Nevertheless, in only providing two new dwellings these benefits are limited. I, therefore, give significant weight to the limited benefits of the development.
16. That there are no refusal reasons relating to design, the living conditions of existing or proposed occupiers, highway safety, drainage, or flooding matters are considered to be neutral factors.
17. There would be adverse environmental impacts in terms of the effect on the character and appearance of the area from the introduction of two new separate dwellings in the rear garden of the host dwelling. The development would, therefore, be contrary to the relevant parts of the Framework, which amongst other matters seek to secure well-designed and attractive places, promote good design and maintain a strong sense of place. These environmental impacts are afforded significant weight.
18. Overall, in my judgement, the adverse effects of the proposed development would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework, taken as a whole. As a result, the presumption in favour of sustainable development does not apply.

Conclusion

19. For the reasons given above, the proposal would be contrary to the development plan, when taken as a whole, and the Framework. There are no other material considerations that would indicate that the proposal should be determined other than in accordance with the development plan. Therefore, the appeal is dismissed.

K Townend

INSPECTOR