



# Appeal Decision

Site visit made on 19 July 2022

**by Juliet Rogers BA (Hons) MA MRTPI**

**an Inspector appointed by the Secretary of State**

**Decision date: 04 August 2022**

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**Appeal Ref: APP/B1605/D/22/3300357**

**103 Ryeworth Road, Charlton Kings, Cheltenham GL52 6LS**

- 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 Mr David Wood against the decision of Cheltenham Borough Council.
  - The application Ref 22/00086/FUL, dated 13 January 2022, was refused by notice dated 24 March 2022.
  - The development proposed is described as the demolition of existing single storey extension, and erection of two storey rear extension.
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## Decision

1. The appeal is dismissed.

## Main Issue

2. The main issue of this appeal is the effect of the proposed development on the character and appearance of the area.

## Reasons

3. The appeal site comprises a small, two storey dwelling that forms part of a terrace of four properties, set back from, and slightly higher than, the pavement. Of the four dwellings in the terrace, the appeal property has a similar, simple architectural character to its neighbour, 105 Ryeworth Road (No.105), with lower eaves and ridge heights to the others in the terrace.
4. The development would provide a single storey, flat roofed rear extension with raised roof lanterns and, due to the rising topography at the rear of the dwelling, a roofline of varied heights. The resultant undulating roofline and raised roof lanterns would be uncommon features in the area. Additionally, the footprint of the proposed development would be larger than the existing flat roof extensions at both the appeal property and No.105.
5. The height of the flat roof of the first floor rear extension, described by the appellant as a dormer, would exceed the rear eaves height of the existing dwelling and that of No.105, and alter the position of the rear elevation. Although the rear extension would not be the full width of the dwelling and of simple design, it would dominate the rear elevation of the appeal property. Therefore, the development would result in an incongruous form that would not respect the character of the host dwelling or the area.
6. Due to the relationship of the site to the road, which is set below the level of the pavement, the rising topography and the length of the rear garden, the proposed development would not be publicly visible. However, this alone does

- not make it acceptable. Aside from subservience, the five principles of good design in the council's Residential Alterations and Extensions Supplementary Planning Document (2008) (SPD) include the need to maintain the character of the house and its setting. Even if the spirit of guidance relating to subservience contained in the SPD related only to publicly visible extensions, how a development maintains the character of the house and its setting is relevant.
7. I appreciate that design is subjective and that the constrained nature of the site limits the development and its construction. I also acknowledge the attempts made by the appellant to improve the design in response to the Council's comments. However, I can only make a decision on the merits of the development before me.
  8. I conclude, therefore, that the proposed development would cause unacceptable harm to the character and appearance of the area and would be contrary to Policies D1 and SL1 of the Cheltenham Plan (July 2020) and SD4 of the Gloucester, Cheltenham and Tewkesbury Joint Core Strategy 2011-2031 (December 2017) (JCS) which requires, amongst other things, that development, including extensions, should complement and respect the character of the locality. In the decision notice, the Council also refers to Policy SD14 of the JCS. As this policy does not relate to character and appearance, it weighs neither for nor against the scheme in regard to the main issue of this appeal.
  9. In addition, it would not accord with the design principles set out in the SPD and Section 12 of the National Planning Policy Framework which, amongst other things, seek to ensure development maintains, and is sympathetic to, local character.

### **Other Matters**

10. I note the appellant's comments about the condition of the property and the unfinished rear structure. However, I have no substantive evidence before me to suggest the house would be uninhabitable without the development. I also note the preference to minimise the inconvenience from the removal of excavated materials and acknowledge that the development would provide additional space for occupiers of the dwelling. However, these matters, individually or combined do not outweigh the harm I have identified above.
11. A lack of objections to the planning application is not a reason in itself to allow development that is unacceptable and this, therefore, does not change my assessment. Similarly, whilst I note the appellant's comments around the council's handling of the planning application, this has not affected my findings on the planning merits of the proposed development.
12. The appellant has suggested that the proposed development meets today's stringent requirements for sustainability. As I have found that the proposed development conflicts with development plan policy, the starting point for decision making, and that there are no material considerations that indicate the plan should not be followed, any presumption in favour of sustainable development is outweighed by the harm the proposed development would cause to the character and appearance of the area.

## **Conclusion**

13. The proposed development conflicts with the development plan when considered as a whole and there are no material considerations, either individually or in combination, that outweigh the identified harm and associated development plan conflict. Therefore, the appeal is dismissed.

*Juliet Rogers*

INSPECTOR