



Appeal Decision

Site visit made on 29 November 2022

by **A J Sutton BA (Hons) DipTP MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 12 December 2022

Appeal Ref: APP/B1605/W/22/3305448

Glenfall Stables, Ham Road, Charlton Kings, Cheltenham GL52 6NH

- 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 and Mrs Doswell against the decision of Cheltenham Borough Council.
 - The application Ref 22/00602/FUL, dated 31 March 2022, was refused by notice dated 1 July 2022.
 - The development proposed is described as 'Demolition of existing and erection of 2 no. replacement dwellings and 1 no. detached garage with workshop above, and all other associated operations.'
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Decision

1. The appeal is dismissed.

Applications for costs

2. An application for costs was made by Mr and Mrs Doswell against Cheltenham Borough Council. This application is the subject of a separate Decision.

Main Issue

3. The appellant has drawn my attention to the Grade II listed Glenfall House and the registered park and garden that is associated with this listed building. There are fields, bound by mature vegetation, that separate the appeal property from these heritage assets. I am content therefore, that with this visual and physical separation, development at the appeal property would not harm the assets or their settings.
4. Therefore, the main issue is the effect of the proposal on the character and appearance of the area including the Cotswolds Area of Outstanding Natural Beauty (AONB).

Reasons

5. The appeal property is a converted stable block comprising two dwellings, set in a large plot. It is located at the edge of Ham, which is a small settlement, sheltered at the lower slopes of the Cotswolds escarpment. In this area the landform is gentle before the escarpment rises steeply. It has a distinctly rural character with hedge and tree bound fields and scattered properties.
6. Bound by Mill Lane and Ham Road, the appeal property has fields to its rear. Although divided by a shared access, on its east boundary is a group of former farm dwellings and buildings that have been converted to dwellings. Therefore, while close to Cheltenham, with these features, the appeal property has a rural

context, and is in a location which has key landscape characteristics and special qualities, as outlined above, which contribute to the scenic beauty of this part of the Cotswolds AONB.¹

7. The existing building appears a simple brick-built structure. However, this one and a half storey form, with limited windows and U-shaped layout clearly references the rural origins of the built form in this spacious plot. Therefore, although it now comprises residential uses and its architectural style may be unremarkable, its form and scale are in keeping with the surrounding rural character of the area. In this regard it does not appear to be a detracting feature in this sensitive landscape.
8. The proposed development would replace the existing building with a considerably larger built form that would substantially fill the width of the plot. The plot is sizeable, and space would be largely retained at the front and rear. However, the existing sense of space at the sides of the plot would be significantly diminished. Moreover, with the proposed layout of the development, which would include a new detached garage, it would appear a distinctly more conventional residential plot than the existing layout of the site.
9. Proposed dwelling 2 would match the height of the existing property. Its form, inspired by a barn, would also be sympathetic to the specific rural context of this site. However, despite its height being reduced in comparison with a previous scheme, and it being set lower than the neighbouring Dutch barn, dwelling 1 would be significantly taller than the existing dwelling it would replace. Moreover, this large, proposed dwelling would have a traditional residential form, particularly at the upper level, with its window pattern and gable detail at the front elevation, and its large gable protrusion to the rear.
10. Even constructed in the quality materials proposed, these forms and layout would have a suburban quality that would be out of keeping with the rural character of this landscape and the agricultural aesthetic of the neighbouring properties in this location. Moreover, the sizeable development would harmfully erode the relatively undeveloped appearance of the site, and this would diminish its contribution to this sensitive landscape. In these regards it would fail to conserve the landscape and scenic beauty of this part of the AONB.
11. The front and the west side boundaries of the appeal property are dominated by large conifers. The proposed landscaping scheme could improve the appearance of the property at these boundaries. However, this would not screen the harmful development at the rear where it would be seen from Mill Lane². It would also fail to screen the large, incongruous form that would be visible from surrounding slopes,³ and at the site's immediate access. Views of the harmful development would be localised. However, the National Planning Policy Framework (the Framework) requires great weight should be given to conserving and enhancing landscape and scenic beauty in AONBs which have the highest status of protection in relation to these issues.
12. My attention has been drawn to the development at Cornerstones which is close to the appeal site. That is a Cotswolds stone house, and the development

¹ Ref: Glenfall Stables, Charlton Kings, Landscape and Visual Appraisal - March 2021 (LVA), Natural England National Character Area 107 Cotswolds, Landscape Character of the Cotswolds Area of Outstanding Natural Beauty – Landscape Character Type 2: Escarpment and LCA 2D: Coopers Hill to Winchcombe

² Viewpoint 4 of the LVA.

³ Viewpoint 6 of the LVA.

is an extension and garage. The development and character of that plot is therefore not directly comparable to this proposal. In respect to the permissions⁴ for the neighbouring properties, limited information has been provided. This aside, I saw that they are generally one and a half storey, simple structures that are closely grouped around yards in that plot, and that even with features such as integrated garages, that neighbouring development generally retains its rural character. It is therefore different in this regard from this proposal. These examples have not altered my assessment in this case for these reasons.

13. I therefore find that the proposal would have a harmful effect on the character and appearance of the area, including the Cotswolds AONB. It would be contrary to Policy SD7 of the Gloucester, Cheltenham and Tewkesbury Joint Core Strategy, which states that all new proposals within the setting of the Cotswolds AONB will be required to conserve its landscape, scenic beauty, wildlife, cultural heritage and other special qualities. It would also be inconsistent with Paragraph 176 of the Framework and the Cotswolds AONB Management Plan which seek to conserve landscape and scenic beauty of the Cotswolds AONB.

Other Matters

14. The principle of replacing the existing property is not in dispute between the main parties. However, this is subject to development at the site being acceptable in terms of other issues, and I have found that this proposal would not be acceptable having regard to the harmful effect on the landscape.
15. The proposal would result in different housing types at the site, and it would make a small contribution in terms of the mix of housing in the area. However, as it would not result in an increase in dwellings at the site, it would not contribute to the Government's objective to boost the supply of homes. Furthermore, for this reason, although the proposal would utilise previously develop land and cover more of the site, it would not be a more effective or efficient use of the land than is currently the case. There would also not be a benefit in respect to future occupants contributing to the vibrancy and vitality of the rural settlement as it would not lead to additional homes in the area.
16. The design of the dwellings is not considered to be of a poor quality in itself. However, the evidence does not demonstrate that the proposal would be of an innovative design. More significantly I have found it would not be sympathetic to local character. The Framework states that good design is a key aspect of sustainable development and for the reasons outlined above this would not be a good design in this case.
17. The range of services in Cheltenham is only a short drive away from the site. However, the appellants highlight that the nearest bus stop is 800m away. I also saw that the road accessing this urban area is winding with no pavement in sections. This is likely to discourage occupants of the new dwellings from walking to catch a bus into the town, and they would largely be dependent on cars. The development is unlikely for this reason to result in a significant increase in the use of alternatives modes of transport to the car.

⁴ Refs: 19/0611/FUL, 19/02280/CONDIT and 18/00633/COU

18. The appellants suggest that future occupants of the dwelling would enjoy a greater level of privacy than is the case for occupants of the existing dwellings. However, although the front wings of the existing dwellings align and these include bedrooms, existing plans show that only the bedroom at the end of each wing has an outlook towards the bedroom in the opposite wing. I also saw that there is a reasonable space separating these two habitable rooms such that their occupants do not experience an unacceptable sense of being overlooked.
19. The proposal would create separate garden spaces and parking areas for future occupants of the dwellings. This may well feel private and convenient for the occupants of the new dwellings and be supported by guidance in the Residential Alterations and Extensions Supplementary Planning Document. However, the existing parking space is close to the two dwellings and appears convenient in this respect. It also seems me that the new garden spaces would be overlooked from the new dwellings, particularly from the first-floor level of dwelling 1, so that levels of privacy in the outside space would not be noticeably different from the current situation.
20. The appellants also suggest that this proposal would result in less disruption to neighbouring residents. However, given the considerable space between the appeal and the neighbouring properties, I did not observe that the current situation was harmful to the neighbours' living conditions. These living conditions matters do not weigh in favour of the proposal for these reasons.
21. There would be benefits from the proposal in respect to landscaping and energy and water efficiencies, including such features as solar panels, improved glazing and ground source heat technology. The appellants state that the existing building is redundant and in a poor state of repair. I did not observe this to be the case when I conducted my site visit. However, even if I was to accept that this was so, the evidence does not demonstrate that this harmful development is the only means of securing this outcome, improving the existing accommodation or indeed delivering the other limited benefits identified above.
22. The Council has not raised issues in respect to ecology and highways, subject to conditions. This is an expectation for new development and therefore this does not weigh in favour of the proposal.
23. The appellants assert that the proposal would enhance the setting of the heritage assets. However, they also state that '*the buildings subject of this application are not considered to be seen within the context of these heritage assets*'. As outlined previously, I agree with this statement, therefore even if I concluded differently on the main issue in this case this would not be a benefit of the proposal for this reason.
24. The existing dwellings could be extended under permitted development rights and outbuildings could also be constructed at the property. However, extremely limited details of these alternative schemes have been submitted and I am therefore unable to consider them as part of this appeal. In any event, these rights are subject to conditions and restrictions, with the restrictions on incidental buildings on sites in an AONB being greater than at sites not covered by this landscape designation. This matter has not altered my assessment in this case for these reasons.

25. The errors identified by the appellant have been noted but these are mostly minor in nature and the evidence shows that the Council rectified errors that would have been significant to its decision. I have also had regard to the support and comments made by the Architects Panel, the Cotswolds Conservation Board and local residents. However, the Council is not bound by these consultation responses. Moreover, the Council has substantiated its reasons for refusing permission with relevant local plan policies, and in my judgement for the reasons stated previously I agree with the Council on this matter.
26. My attention has been drawn to guidance and development plan policies that are not disputed in this case. However, I have identified harm in respect to landscape quality and conflict with the development plan when read as a whole. The limited benefits of the proposal even when taken cumulatively would not outweigh this harm or this conflict with the development plan.

Conclusion

27. For the reasons stated above and having regard to the development plan as a whole, and all relevant material considerations, including the Framework, the appeal is dismissed.

A J Sutton

INSPECTOR