



Appeal Decision

Site visit made on 7 February 2023

by Helen Smith BSc (Hons) MSc MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 14 March 2023

Appeal Ref: APP/B1605/W/22/3308204

The Hayloft, The Reddings, Cheltenham, Gloucestershire GL51 6RL

- 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 Guild Residential Ltd against the decision of Cheltenham Borough Council.
 - The application Ref 22/00749/FUL, dated 14 April 2022, was refused by notice dated 25 August 2022.
 - The development proposed is conversion of the existing dwellinghouse into 9 self-contained apartments, and associated works.
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Decision

1. The appeal is allowed and planning permission is granted for conversion of the existing dwellinghouse into 9 self-contained apartments, and associated works at The Hayloft, The Reddings, Cheltenham, Gloucestershire, GL51 6RL in accordance with the terms of the application, Ref 22/00749/FUL, dated 14 April 2022, subject to the conditions set out in the attached schedule.

Applications for costs

2. An application for costs was made by Guild Residential Ltd against Cheltenham Borough Council. This application is the subject of a separate decision.

Preliminary Matters

3. The appellant submitted a revised plan during the appeal stage (Proposed Floor Plans, Drawing No: 22211/PL03 B, dated April 2021). This revised plan shows an amendment to the flat roof to include photovoltaic panels. As this revised drawing would alter the external appearance of the appeal building, it would materially alter the nature of the original application and if I were to accept it, I may prejudice the interested parties to comment. I also note that the appellant did not refer to this revised drawing in their Statement of Case. I have therefore determined the appeal on the basis of the plans considered by the Council when reaching their decision.

Main Issue

4. The main issue is the effect of the proposal on the living conditions of neighbouring occupants, with particular regard to noise and disturbance.

Reasons

5. The appeal site comprises a large detached two-storey dwelling on a spacious plot. It is situated on the edge of the residential development on the southern

- side of the road. The neighbouring properties are predominantly detached dwellings. Open fields are located to the west and south of the site.
6. The proposal seeks permission for the conversion of the existing dwelling to create 9 self-contained apartments.
 7. The Council is concerned that the proposal would result in a material increase in noise and disturbance for neighbouring occupants. It is claimed that this would be caused by an intensification of activity at the appeal property which would lead to increased comings and goings, including increased vehicular movements.
 8. The dwelling adjoining the appeal site to the east is known as 'Cambria', and there is a row of detached dwellings opposite the appeal site on the other side of the road. I accept that the occupiers of Cambria and the neighbouring occupiers opposite the site could be affected by noise and disturbance from vehicles entering and existing the proposed parking area to the front of the appeal building. However, the number of vehicles doing so would be limited by the size of the parking area and I have not been provided with any technical evidence that these movements would cause unacceptable levels of noise and disturbance to the neighbouring occupiers.
 9. Furthermore, occupiers of the appeal building would not be reliant on a private motor vehicle to access services and facilities given the sustainable location of the site and the proposal's provision of a bike store and good access to nearby bus stops. In addition, future occupants would be aware of the parking constraint at the appeal site prior to choosing to live there. No compelling evidence has been submitted to demonstrate that the proposal would result in a displacement of vehicles in the vicinity of the appeal site which would in turn cause substantial amenity issues.
 10. In its existing form, the appeal property currently consists of 4 bedrooms on its first floor and a guest suite on its ground floor. The bedrooms and guest suite in the existing property could have double occupancy. It could therefore be used as a dwelling to accommodate a reasonably large family that could consist of several adults and teenagers. Such a family could generate considerable activity in the form of comings and goings and vehicular movements.
 11. In comparison, the proposal would create 9 individual residential units, which would consist of 13 bedrooms in total. The level of activity generated by the occupant's comings and goings for work, leisure, and shopping purposes, etc and the use of external amenity spaces would be more than that generated by one large family household. However, in my view, the level of activity generated by comings and goings would not be substantially different given the scale of the development and its good access to sustainable modes of transport. Furthermore, the appeal building, including its external amenity spaces, is sited in a wide, deep plot at the edge of the existing residential development with sufficient separation distances from neighbouring dwellings and is surrounded by open fields to its west and south. I also note that the Council's Environmental Health team has not raised any objections to the proposal in terms of noise or disturbance.
 12. I acknowledge the Council's concerns regarding the number of occupants at the property potentially increasing to 24 occupiers due to the potential double occupancy of bedrooms. However, the proposal before me is for 6 one-

bedroom flats, 2 two-bedroom flats, and 1 three-bedroom flat. I also note the floorspaces provided meet the minimum standards within the 'Technical housing standards - nationally described space standards (2015)' (NDSS). Thus, it is reasonable to assume that 5 of the one-bedroom flats would be single occupancy, one one-bedroom flat would be large enough for double occupancy, and the three-bedroom and two-bedroom flats would be occupied by small families. Therefore, given the parking spaces would be limited to 10 spaces, I will impose a condition to limit the total number of residents to 20 in order to control the effect of the proposal on the locality.

13. On the evidence before me and having regard to the location of the site and nearby uses, I find that the vehicular movements and the comings and goings that would be associated with the proposal would not result in a significant intensification of activity at the appeal site and would not lead to noise and disturbance that would adversely affect the living conditions of nearby residents.
14. Consequently, the proposal would not result in an unacceptable impact on the living conditions of the occupiers of neighbouring properties with particular regard to noise and disturbance. As such, the proposal would accord with Policy SL1 of the Cheltenham Plan (2020), and Policy SD14 of the Gloucester, Cheltenham and Tewkesbury Joint Core Strategy 2011-2031 (2017). Collectively, these policies, amongst other things, seek to ensure development does not cause unacceptable harm to the living conditions of neighbouring occupants. In addition, the proposal would also accord with the Framework, which states that developments should create places that are safe, inclusive and accessible, and which promote health and well-being, with a high standard of amenity for existing and future users.

Other Matters

15. The appeal property is a substantial detached building of brick construction. Despite exhibiting some architectural features not commonly found on other buildings, it nevertheless sits comfortably in the street scene and makes a positive contribution to the character and appearance of the area. The proposal would not affect the external appearance of the building and would not detract from the contribution that it makes to the character and appearance of the area. Furthermore, the use of the building would remain as residential, which is the predominant characteristic of the local area.
16. The appeal site is located within the Green Belt. Paragraph 150 of the Framework states that certain forms of development are not inappropriate in the Green Belt provided they preserve its openness and do not conflict with the purposes of including land within it. A closed list of exceptions is set out, one of which, under sub-paragraph d) includes the re-use of buildings provided that the buildings are of permanent and substantial construction. The proposal is for the conversion of the existing building and would not result in any external alterations or enlargements to the building. The proposal would provide a shared parking area to the frontage of the property with the provision of 10 parking spaces. However, this would not be dissimilar to the existing hard standing frontage in its current form. As such, the proposal would not cause harm to the openness of the Green Belt. It would not therefore represent inappropriate development in the Green Belt.

17. I have had regard to the other matters raised by residents. These include highway safety concerns relating to traffic, pedestrians and parking. Highways did not object to the application. Given the scale of the proposed development, I am satisfied that the development would not have an unacceptable impact on highway safety.
18. Local residents have also raised a number of concerns including in relation to the site's history, future additional changes, and possible development on the adjacent field. I have given careful consideration to these matters but based on the information provided they would not constitute reasons to dismiss the appeal.

Planning Balance

19. The Council concedes that it cannot demonstrate a 5-year supply (5YHLS) of deliverable housing sites as required by the Framework. The latest published figure is 2.6 years (shown in Officer's Report). This indicates that, where the requisite land supply does not exist, the most important policies for determining the application should be deemed out-of-date. Permission should therefore be granted unless: i) the application of policies within the Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or ii) any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole.
20. The proposal is not subject to policies in the Framework that protect areas or assets of particular importance that provide a clear reason for refusing the development. The tilted balance set out within the second limb of paragraph 11d) is therefore relevant.
21. The Council's housing land supply shortfall is considerable and as such the benefits of housing delivery carry substantial weight in favour of the scheme.
22. The appeal site is situated in a sustainable location and occupants of the proposed development would have reasonable access to a wide range of services and facilities by use of sustainable modes of transport. The proposed development would make an important contribution to addressing the significant housing shortfall. It would also contribute towards economic growth during the construction phase and spending by future occupants of the development would contribute to the local economy and help support local services and facilities in the area. Taken together, the benefits of the proposal would attract substantial weight.
23. I have identified no adverse impacts that would significantly and demonstrably outweigh the benefits, when assessed against the policies of the Framework taken as a whole. The proposal constitutes a sustainable form of development within the meaning of the Framework. Therefore, having regard to the provisions of the development plan and all material considerations, I conclude that planning permission should be granted.

Conditions

24. I have considered the conditions suggested by the Council taking into account the advice within the Framework and the Planning Practice Guidance, and where necessary the wording has been amended for clarity and precision.

25. In addition to the standard time limit condition, for the purposes of certainty, a condition concerning the approved plans is also required. A condition limiting the number of occupants is necessary as a more intensive use would have different impacts.
26. In the interests of sustainable travel, I have imposed a condition requiring the provision of electric vehicle charging points, and a condition relating to the storage of bicycles. A condition is also imposed for refuse storage facilities in the interests of sustainable waste management and recycling.
27. In the interests of highway safety, a condition is imposed relating to visibility splays. To protect residential amenity, conditions relating to the flat roof area and construction hours are necessary.

Conclusion

28. For the reasons given, and having regard to all other matters raised, I conclude that the appeal should be allowed.

Helen Smith

INSPECTOR

Schedule of Conditions

- 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans:
 - Site Location Plan, Drawing No: 21634/3, dated: November 2016
 - Existing Floor Plans, Drawing No: 22211/PL01, dated: February 2016
 - Existing Elevations, Drawing No: 22211/PL02, dated: February 2022
 - Proposed Floor Plans, Drawing No: 22211/PL03, dated: April 2021
 - Proposed Elevations, Drawing No: 22211/PL04, Dated: February 2022
- 3) The number of persons residing at the property at any one time shall not exceed 20.
- 4) Before first occupation, each residential unit hereby approved shall have been fitted with an Electric Vehicle Charging Point (EVCP) that complies with a technical charging performance specification, as agreed in writing by the local planning authority. Each EVCP shall be installed and available for use in accordance with the agreed specification unless replaced or upgraded to an equal or higher specification.
- 5) Prior to first occupation of the development, secure covered bicycle storage shall be provided in accordance with the approved plans. The bicycle storage shall thereafter be retained and kept available for the parking of bicycles.
- 6) Prior to the first occupation of the development hereby approved, refuse and recycling storage facilities shall be provided in accordance with details which shall first have been submitted to and approved in writing by the Local Planning Authority. The approved facilities shall be retained as such thereafter.
- 7) The development hereby approved shall not be occupied until visibility splays are provided from a point 0.6m above carriageway level at the centre of the access to the application site and 2.4 metres back from the near side edge of the adjoining carriageway, (measured perpendicularly), for a distance of 43 metres in each direction measured along the nearside edge of the adjoining carriageway and offset a distance of 0.6 metres from the edge of the carriageway. These splays shall thereafter be permanently kept free of all obstructions to visibility over 0.6m in height above carriageway level.
- 8) The flat roof area of the development hereby permitted shall not be used as a balcony, roof garden or other external amenity area at any time. Access to the flat roof shall be for maintenance purposes only.
- 9) Demolition or construction works shall take place only between 08.00 and 18.00 Monday to Friday and 08.00 and 13.00 on Saturdays, and not at any time on Sundays or on Bank or Public Holidays.

****End of Conditions****