



## Appeal Decision

Site visit made on 15 May 2023

by **B Phillips BSc MSc MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 19 May 2023

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**Appeal Ref: APP/B1605/D/22/3311529**

**10 Suffolk Road, Cheltenham, Gloucestershire GL50 2AQ**

- 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 Mohammed Uddin against the decision of Cheltenham Borough Council.
  - The application Ref 22/01340/FUL, dated 23 July 2022, was refused by notice dated 4 November 2022.
  - The development proposed is described as a 'first floor extension at rear of 10 Suffolk Road on top of existing kitchen roof, comprising of 1 new bedroom and ensuite bathroom'.
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### Decision

1. The appeal is dismissed.

### Preliminary Matters

2. Amended plans were submitted with the appeal. These plans<sup>1</sup> show a reduction in the size of the first-floor extension. An amended access to the new first floor bedroom is also provided, along with a ground floor toilet cubicle extending to the rear. In addition, the air conditioning units on the ground floor roof are repositioned.
3. I have considered the revised plans under the principles established by the Courts in Wheatcroft<sup>2</sup>. Given the number of changes to the scheme, to consider it would deprive those who should have been consulted on the change, the opportunity of such consultation. I have therefore considered the appeal on the basis of the originally submitted plans consulted upon by the Council.
4. The first refusal reason makes reference to the Lower High Street character area of the Central Conservation Area. The Council have confirmed that this is an error, and that the appeal property is located within the Suffolks Character area.

### Main Issues

5. The main issues in this case are:
  - the effect of the proposed development on the character and appearance of the existing building, terrace and the Central Conservation Area (CA); and

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<sup>1</sup> Plan number : 10SR-v2.0 Appeal dated 20 Nov 2022

<sup>2</sup> Bernard Wheatcroft Ltd v SSE [JPL, 1982, P37]

- the effect of the proposed development on the living conditions of neighbouring occupiers with specific regard to light and noise.

## Reasons

### *Character and Appearance*

6. The appeal site, a two storey mid terrace building made up of commercial on the ground floor with residential above, is located within the Suffolk character area of the Central CA. Section 72(1) of the Planning (Listed Building and Conservation Areas) Act 1990 requires that special attention is paid to the desirability of preserving or enhancing the character or appearance of conservation areas.
7. The Suffolks Character Area Appraisal and Management Plan (2208) (CCAMP) sets out that the Central CA includes the whole of Cheltenham's town centre, most of the Victorian, Edwardian and some of the later 20th century suburbs of the most complete Regency town in England. The Suffolks Character area incorporates a distinctive mix of quiet residential streets and bustling retail areas. The built form of the streets and the individual buildings on these roads, together with their uses, largely contributes to the overall character and appearance of the Suffolks and provides its distinctive identity.
8. The CAAAMP identifies the appeal site and the terrace to which it relates as key unlisted buildings and the as such the appeal site and the terrace are locally listed. This is due to their high quality original architecture. No 10 has been previously extended to the rear<sup>3</sup> and the rear of the terrace has in general been subject to a number of alterations and extensions.
9. The proposed extension would extend the first floor match the depth of the ground floor projection. This would result in a substantial projection and depth at two storey level that would dominate and overwhelm the original property. In addition, the steps to the rear which would provide the access to the additional bedroom, are of a substantial solid design that would detract from the original rear elevation. I acknowledge that these would replace existing steps, but the spiral open design of the existing steps has a limited visual impact.
10. The rear of the terrace is visible from a rear access way, in addition to surrounding buildings. Whilst the original historic architectural form of the terrace has been somewhat compromised by existing alterations, I consider that it is important to the area's character to avoid further alterations that would be disproportionate in scale to, and out of keeping in design with, the original terrace.
11. For the above reasons, I therefore find that the proposed development would detract from the character and appearance of the existing building and terrace and would neither preserve nor enhance the character or appearance of the Central CA. The proposal therefore conflicts with those aims of Policy D1 of the Cheltenham Plan 2020 (CP) which, along with Policies SD4 and SD8 of the Gloucester, Cheltenham and Tewkesbury Joint Core Strategy 2011-2031 2017, seek to avoid causing harm to the architectural integrity of the building or group of buildings, and require development to preserves or enhances the character and appearance of the CA. There is also conflict with the advice set

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<sup>3</sup> Application reference 09/01396/FUL

out in the Supplementary Planning Document 'residential alterations and extensions' 2008 which sets out that an extension should not dominate or detract from the original building but play a 'supporting role'. These policies and this guidance are in broad conformity with the high quality design objectives of the National Planning Policy Framework (the Framework).

### *Living Conditions*

12. Whilst the proposed extension would be attached to and project beyond the rear elevation of No 8 at first floor level to match the existing ground floor projection, this projection would be limited in scale. As such, any impact upon outlook from the rear facing windows of No 8 or from its balcony or garden space would also be limited. Moreover, given the orientation of the extension to No 8, it is unlikely that the proposal would result in a loss of light or sunlight to the rear facing windows, balcony or the garden to this property to a degree that would make the room these windows serve and outdoor space less pleasant to use.
13. The plans show that the existing air conditioning (AC) units would be relocated from near the centre of the roof to adjacent to the boundary with No 12, next to the existing extractor vent pipe. I observed that there are two existing AC units attached to the rear elevation of No 12. In this context, were I minded allowing the appeal, a condition to secure suitable details of sound insulation would ensure that the AC units do not result in unacceptable noise impact upon No 12.
14. I therefore conclude that the proposed development would not harm the living conditions of neighbouring occupiers, with regard to light and noise. Accordingly, I find no conflict with the protection of amenity goals of CP Policy SL1, CS Policy SD14 and the Framework.

### **Conclusion**

15. The proposal conflicts with the development plan taken as a whole and there are no material considerations which indicate that the proposal should be determined other than in accordance with the development plan. Accordingly, for the reasons given above and having had regard to all other matters raised, the appeal is therefore dismissed.

*B Phillips*

INSPECTOR