



## Appeal Decision

Site visit made on 20 March 2023

**by Tamsin Law BSc MSc MRTPI**

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

**Decision date: 18 May 2023**

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**Appeal Ref: APP/B1605/W/22/3311119**

**30 St. Georges Place, Gloucestershire, Cheltenham, GL50 3JZ**

- 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 Property V Development Ltd (Dr G Swinburne) against the decision of Cheltenham Borough Council.
  - The application Ref 22/00839/FUL, dated 4 May 2022, was refused by notice dated 18 October 2022.
  - The development proposed is described as 'conversion to form 7 dwellings together with extensions and construction of new mansard roof (partial alternative scheme to granted prior approval).'
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### Decision

1. The appeal is allowed and planning permission is granted for the conversion to form 7 dwellings together with extensions and construction of new mansard roof at 30 St. Georges Place, Gloucestershire, Cheltenham, GL50 3JZ in accordance with the terms of the application, Ref 22/00839/FUL, dated 4 May 2022, subject to the conditions in the attached schedule.

### Main Issues

2. The main issues are a) whether the proposed development constitutes good design; and b) the effect of the proposal on the Council's energy and carbon reduction targets.

### Reasons

#### *Design*

3. The appeal building is an end of terrace building located on the corner of St George's Place and Chester Walk. The site is bound by adjoining buildings to the north, highways to the south and west and a private car park to the east. The proposed development would extend the existing building and introduce windows to its rear elevation.
4. The Council's main concern relates to the introduction of four windows overlooking an area of land outside the appellants ownership. In the Council's reasons for refusal they do not raise harm in relation to the impact of the proposal on character and appearance of the host building or area or on the living conditions of future residents.
5. The windows that overlook the private car park would serve a storage area/bedroom on the ground floor, bedroom and lounge at first and second floor, and a kitchen and lounge on the third floor. Habitable windows overlooking an area of land not in the occupier's ownership is a common

occurrence, particularly in town and city centres where space is limited. Examples of windows overlooking roads, car parks and other private areas are evident in the vicinity of the appeal site.

6. No harm has been identified on the character and appearance of the area or on the living condition of future occupants as a result of these windows.
7. As such, based on the submitted evidence and the lack of identified harm I conclude that the proposed development would comply with Policies SD3 and SD4 of the Gloucester, Cheltenham and Tewkesbury Joint Core Strategy 2011 – 2031 (2017) (JCS), Policy D1 of the Cheltenham Plan (2020) (CP) and the guidance contained within the Development on Garden Land and Infill Sites in Cheltenham Supplementary Planning Document (2009) (SPD). Together these seek, amongst other things, to ensure that developments adequately reflect principles of urban and architecture design. The proposal also complies with paragraph 130 of the National Planning Policy Framework (the Framework) that seeks developments that are visually attractive as a result of good architecture.

#### *Energy and carbon reduction targets*

8. JCS Policy SD3 requires that all development contribute towards the aims of sustainability and increasing energy efficiency and be adaptable to climate change.
9. Whilst no such measures have been included on the submitted plans, such information could be secured via a condition. I note that the Council in their submission consider that a pre-commencement condition requiring the submission of energy efficiency improvements through incorporating low carbon technologies would be acceptable.
10. As such, subject to a condition securing energy efficiency improvements, the proposed development would comply with JCS Policy SD3 and the guidance contained within the Cheltenham Climate Change Supplementary Planning Document (2022) (SPD2) which seek, amongst other things, to ensure that developments contribute towards aims of sustainability. The proposed development would also comply with paragraph 152 of the Framework which seeks to ensure that developments support the transition to a low carbon future.

#### **Other Matters**

11. As the proposal lies near to the Saul Conservation Area (CA), I have had special regard to section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the Act). In determining the application, the Council's Conservation Team advised that due to the degree of separation there would be no harm to the CA. Neither party have raised this as a concern during the appeal. Based on the evidence before me, including the scale of the development and the distance maintained between it and the CA, I am satisfied that the proposal would have a neutral effect on, and therefore preserve, the setting of the Conservation Area.
12. The appeal site is close to a number of Grade II listed buildings and located within the Old Town Character Area of the Central Conservation Area (CA).
13. Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990, (the Act) requires the decision maker, in considering whether to grant

planning permission for development which affects a listed building or its setting, to have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest. I have had special regard to section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the Act) due to the location of the site within the CA.

14. The proposed extension would increase the height of the existing building; however, it would incorporate a traditional design, including a mansard style roof which is readily apparent within the area on other buildings. Additionally, taller corner buildings are a not an unusual feature and the proposal would retain historic features of the building. The submitted drawings detail a development that would not be at odds with its surroundings. Based on the evidence before me, I am satisfied that the proposal would have a neutral effect on, and therefore preserve, the setting of the listed buildings and the CA.

### **Conditions**

15. The Council has provided a list of conditions, which I have assessed in regard to the advice provided in the Planning Practice Guidance (PPG). I consider that a condition regarding energy efficiency measures is necessary in order to ensure that the development adheres to the Council's sustainability targets. Conditions regarding materials and window details are necessary in order to safeguard the character and appearance of the area and the CA. Conditions requiring the provision of bin and cycle store are necessary to promote alternative travel and ensure appropriate refuse storage. I have altered the wording of some conditions in order to ensure they comply with the PPG.

### **Conclusion**

16. The appeal scheme would accord with the development plan and there are no material considerations worthy of sufficient weight that would indicate a decision otherwise. The appeal should therefore, subject to the conditions in the schedule below, be allowed.

*Tamsin Law*

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: Location Plan, Proposed Elevations HAG-DWG-005 dated 31st August 2022, Proposed Plans HAG-DWG-005 dated 11st August 2022, Proposed Street View Elevation HAG-DWG-007 dated 31st August 2022
3. Prior to the commencement of development hereby permitted, a scheme of energy efficiency improvements through the incorporation of low carbon technologies shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved scheme and those improvements retained thereafter.
4. No external facing or roofing materials shall be applied unless in accordance with:
  - a) a written specification of the materials; and/or
  - b) physical sample(s) of the materials.

The details of which shall have first been submitted to and approved in writing by the Local Planning Authority.

5. The following elements of the scheme shall not be installed, implemented or carried out unless in accordance with details which shall have been submitted to and approved in writing by the Local Planning Authority:
  - a) All new windows and external doors; and
  - b) String course.
6. Prior to first occupation of the development, secure covered cycle storage shall be provided in accordance with the approved plans. The cycle storage shall thereafter be retained available for such use in accordance with the approved plans at all times.
7. Prior to first occupation of the development, refuse and recycling storage facilities shall be provided in accordance with the approved plans and shall be retained as such thereafter.