



Appeal Decision

Site visit made on 5 May 2023

by Lewis Condé Msc, Bsc, MRTPI

an Inspector appointed by the Secretary of State

Decision date: 08 June 2023

Appeal Ref: APP/B1605/W/22/3311507

**101 Ryeworth Road, Charlton Kings, Cheltenham, Gloucestershire
GL52 6LS**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a failure to give notice within the prescribed period of a decision on an application for planning permission
 - The appeal is made by Ms Megan Watts against Cheltenham Borough Council.
 - The application Ref 22/01162/FUL, is dated 27 June 2022.
 - The development proposed is described as 'Proposed extension and alterations to property'.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. Whilst the Council did not issue a decision on the planning application, it has provided a statement setting out the reasons why it would have refused planning permission. This has informed the main issues of the appeal.

Main Issues

3. The main issues are the effect of the proposed development on a) the living conditions of neighbouring residents of no. 103 Ryeworth Road; and b) the character and appearance of the area.

Reasons

Living Conditions

4. The appeal site is a mid-terrace dwelling, set within a small terrace of properties. The appeal dwelling, alongside the adjoining properties, are each served by narrow gardens of considerable length.
5. An existing single storey outbuilding sits within the rear garden of the appeal site, near the rear elevation of the dwelling. However, the outbuilding is set off the boundary with the adjoining terrace property no. 103 Ryeworth Road (no. 103).
6. The proposed rear extension would involve both single and two storey elements. The proposed single storey element would extend approximately 8m to the rear of the appeal property, which is an overall comparable distance as the existing outbuilding within the garden. The depth of the rear single storey extension would also be in line with an extension that has previously been undertaken to the rear of no. 103. However, whereas the existing outbuilding

and neighbouring property's extension are both set off the shared boundary, the appeal proposal would introduce development along the boundary line with no. 103.

7. I have concerns over the height and depth of the rear extension and its placement on the shared boundary with no. 103. Notably, there is a groundfloor window in the rear elevation of no. 103 that sits adjacent to the shared boundary and at 90 degrees to the proposed extension. This window would be in very close proximity to the highest point of the proposed extension (i.e. alongside the two-storey element). The significant length of the single storey element, alongside the neighbour's existing extension, would also lead to a tunnelling effect to this rear ground floor window.
8. From my observations on site, it appears likely that the neighbour's window referred to above serves a habitable room, while from the evidence before me I am not satisfactorily convinced otherwise. In this instance, I find that the combined depth, height, and proximity of the proposed rear extension to the neighbouring property's rear elevation window would have an adverse impact on the living conditions of its occupants in terms of a loss of outlook and sense of enclosure.
9. I am aware that no. 103 is often unoccupied by the current owners. However, this may not remain the case in perpetuity, while the living conditions of both existing and future residents of the property must be considered.
10. I also note that the rear extension to no.103 contained a door and windows, which the proposed development would be sited very close to. From my site visit, it is unclear as to the use of the neighbouring extension, albeit the use of obscure glazing and the condition of the neighbouring extension suggests that it may not be for habitable rooms.
11. Turning to the front extension, I am satisfied that its overall scale and relationship with the adjoining properties would not lead to any unacceptable impact in respect of loss of light or outlook. However, this does not overcome my concerns with regards to the impacts of the rear extension.
12. Overall, I find that the proposed development would cause harm to the living conditions of the neighbouring residents at no. 103, through overbearing impacts and a loss of outlook. The proposal is therefore contrary to the amenity protection aims established under policies SL1 of the Cheltenham Plan (adopted 2020) (the Local Plan) and SD14 of the Joint Core Strategy (adopted 2017) (the JCS), and the National Planning Policy Framework (the Framework).

Character and Appearance

13. The appeal property is a two-storey mid terrace dwelling that is relatively small in scale. It is located in an elevated position above, and set back from, the main highway. Both the appeal dwelling, and the wider terrace have a simple architectural character, whilst given their elevated positions are fairly prominent within the street scene.
14. The proposed rear extension would have a sizeable footprint, particularly in the context of the host property. Despite being largely single storey in nature, the rear extension remains of a considerable scale that would result in a dominant addition to the rather small-scale property. This is due to the full width nature of the single and two-storey extension, alongside the substantial depth of the

single storey element. Its scale would therefore be at odds with the character and appearance of the host dwelling and would not be a subservient addition as sought by the Council's Residential Alterations and Extensions Supplementary Planning Document (adopted 2008) (SPD).

15. The proposed full width front extension, although intending to also extend the existing living room, would primarily read as a porch extension from public views. The full width nature of the extension alongside its overall depth would make it appear as a rather bulky and unsympathetic design at the front of the property, which would be prominent within the streetscene.
16. In coming to the above views, I recognise that there is a general lack of uniformity in the design of the dwellings along Ryeworth Road, whilst the rear extension would not be particularly appreciable from public vantage points. Nevertheless, it remains that the proposals do not respect the character or appearance of the host property nor the surrounding area.
17. I also appreciate that other properties within the near vicinity may have been previously extended or obtained planning permission for development of a broadly similar nature as the current proposals. This includes full width front extensions at nos. 86 and 99 Ryeworth Road and sizeable rear extensions to other nearby properties. However, from my observations on site there appeared to be subtle differences in the design of neighbouring extensions whether that be through their overall scale, positioning, use of materials or the scale and design of the host dwelling. I also have only limited details of the circumstances of the neighbouring developments, including their planning histories. Furthermore, the existence of other unsympathetic extensions nearby is not suitable justification to allow for harmful development proposals.
18. Overall, I find the proposed development would adversely affect the character and appearance of the host dwelling and the area generally. It would therefore conflict with Policies D1 and SL1 of the Cheltenham Plan, as well as policy SD4 of the JCS, which amongst other matters require development proposals to complement and respect the character of the site and its locality.
19. Additionally, the proposal would also not accord with the design principles established in the Council's SPD or Section 12 of the Framework which together, amongst other matters, seek to ensure development is sympathetic to local character.

Other Matters

20. It is suggested that a proposal of a similar nature could be advanced under permitted development rights (PDR). However, no specific details of an alternative fallback scheme utilising PDR has been presented to me. I am therefore unable to make appropriate comparisons as to whether the fallback position would be significantly more or less harmful than the scheme before me. As such, I give limited weight to this line of argument from the appellant.
21. No robust evidence has been provided to corroborate the appellant's statement that the property is not viable for future use without changes or modernisation. Even if this were to be the case, it has not been demonstrated that the proposal before me represents the only suitable option for modernisation.
22. The appellant has highlighted that the Council is unable to demonstrate a 5-year housing land supply and suggest that paragraph 11d of the Framework is

therefore engaged. However, the proposed development does not include the provision of a new dwelling. Additionally, I do not find that the policies of most importance to the proposal to be out of date, namely those safeguarding living conditions and the character and appearance of the area. The presumption in favour of sustainable development as set out by the Framework therefore does not apply.

23. It is suggested that the proposal will improve the thermal/energy efficiency and sustainability of the existing dwelling. The benefits, however, have not been quantified and given that the proposal relates to a single dwelling they are likely to be modest. As such, my decision does not turn on this matter.
24. I note the appellant's frustrations in the way the application was dealt with by the local planning authority. Nevertheless, the appeal has been determined on its own merits. Similarly, I have noted the communication between the appellant and a neighbouring third party, but it remains that the appeal has been determined on the merits of the proposed scheme.

Conclusion

25. The proposal conflicts with the development plan when taken as a whole and material considerations, including the Framework, do not indicate that a decision should be made other than in accordance with it. Accordingly, the appeal is dismissed, and planning permission is refused.

Lewis Condé

INSPECTOR