



Appeal Decision

Site visit made on 30 May 2023

by **Helen Davies MSc MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 19th June 2023

Appeal Ref: APP/B1605/W/23/3315958

St Edmunds, Sandy Lane Road, Cheltenham, Gloucestershire GL53 9DA

- 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 James Sword against the decision of Cheltenham Borough Council.
 - The application Ref 22/02064/FUL, dated 24 November 2022, was refused by notice dated 19 January 2023.
 - The development proposed is conversion and extension of an existing coach house to a single dwelling with new access onto Sandy Lane Road.
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Decision

1. The appeal is dismissed.

Applications for Costs

2. An application for an award of costs was made by Mr James Sword against Cheltenham Borough Council. This is the subject of a separate decision.

Main Issues

3. Although numbered as 1, the Council reason for refusal actually covers 2 distinct reasons. The main issues are:
 - The effect of the proposed development on the character and appearance of the site and the surrounding area; and
 - Whether the proposed development would provide acceptable living conditions for future occupants, with regard to the provision of suitable private outside amenity space.

Reasons

Character and appearance

4. The site comprises of a large, detached garage, which has residential accommodation at first floor, and an area of land to the front and back of the garage. The site is currently part of the garden of St Edmunds on Sandy Lane Road. Sandy Lane Road is a private road characterised by large, detached dwellings, of various designs and layouts. Most front onto the street, but there are dwellings, including Farleigh and The Chase, set back from the road, and dwellings are oriented and relate to the road in various ways. The vast majority of dwellings are located within generous plots, with clear separation between blocks of built form, and with road frontages featuring mature trees and hedges that provide significant screening of built form. Together this gives the area an attractive spacious and verdant character.

5. St Edmunds is a large, detached dwelling in a generous plot, set back from the road and clearly separated from neighbouring dwellings. The large, detached garage is set forward of, but partially overlapping the front elevation of the dwelling. This is not an uncommon layout for a garage serving a large dwelling. Although it is a more recent addition, the garage is of a design and finish which reflects and complements the dwelling.
6. The garage is significantly screened from view by mature hedging along the road frontage, other than at the existing access. As such, the location, layout and design of the garage reads strongly as an ancillary building in association with St Edmunds. Together they form a coherent residential development, set in a large plot and screened by mature vegetation. Therefore, St Edmunds and its garage currently make a positive contribution to the spacious and verdant character and appearance of the area.
7. The proposal would extend and convert the garage to provide a separate 3 bedroom dwelling within its own curtilage. The extension would utilise matching materials and would not exceed the existing roof height. However, the footprint of the extension would be an irregular shape, resulting in a complex and contrived roof form at odds with the existing garage and the main dwelling. Although the extension is to the rear, it would be set off to one side meaning its incongruous and jarring form would be visible from the road through the new access.
8. The sub-division of the plot would mean that the proposed new dwelling and its associated boundary would be close to and overlapping with a significant proportion of the frontage and one side elevation of the existing dwelling at St Edmunds. Although the area does have dwellings set back from the road at different distances, they are well spaced out and do not overlap at such close quarters. Consequently, the proposal would be at odds with the established pattern of development in the area resulting in both the existing and new dwelling appearing more cramped and confined than is characteristic of the surroundings.
9. The proposal also includes the removal of a section of mature hedging along the road boundary to create a new access and driveway. This loss of screening would mean both the existing and proposed new dwelling would be significantly more visible from the road, increasing the prominence of built form within the streetscene. When combined with the loss of greenery and the introduction of substantial new hardstanding, this would have a negative impact on the verdant and attractive appearance of the area. This impact would not be adequately mitigated by proposed landscaping as planting would take time to establish and would focus on the boundary between dwellings rather than the frontage.
10. The Cheltenham's Supplementary Planning Document, Development on Garden Land and Infill Sites (SPD) dates from 2009, prior to adoption of the current CP and JCS. Hence, policies of the previous local plan, referred to within it, have now been superseded. Despite this, its general guidance remains valid and emphasises the need for development to respond to the character of the neighbourhood.

11. I conclude that the proposed development would cause unacceptable harm to the character and appearance of the site and the surrounding area. Consequently, the development would not comply with Policies D1 of the Cheltenham Plan (adopted July 2020) (CP) and SD4 of the Gloucester, Cheltenham and Tewksbury Joint Core Strategy (adopted December 2017) (JCS) and guidance set out in the SPD. Together, amongst other things, these policies seek to ensure that developments are designed in a way which complements and respects the character of the locality, including layout. In addition, the proposal would not comply with paragraph 130 of the National Planning Policy Framework which seeks to ensure good design, including that development is visually attractive, well laid out and sympathetic to local character.

Private outside amenity space

12. The rear garden to serve the proposed dwelling would be directly overlooked, at close range, by several windows in the side elevation of St Edmunds. This would result in a lack of privacy in the outside amenity space. A proposed fence would prevent overlooking from ground floor windows, but not from first floor windows. The appellant states that the windows serve bedrooms 'which are not habitable rooms during daylight hours'. However, when and how habitable rooms at St Edmunds are used, and hence the timing and intensity of direct overlooking, could not be controlled by condition. Any new planting would take years to establish to a height where it could provide screening from overlooking from first floor windows and would result in significant shading. In addition, planting should not be relied upon as a substitute for acceptable levels of privacy secured through suitable design of built form.
13. I conclude that the proposed development would not provide acceptable living conditions for future occupants, with regard to the provision of private outside amenity space. Consequently, the development would not comply with Policies SL1 of the CP, and SD4 and SD14 of the JCS. Together, amongst other things, these policies seek to ensure that development does not cause unacceptable harm to amenity and living conditions and enhances comfort and enjoyment through privacy and external space.

Other Considerations and the Planning Balance

14. The dwelling to one side of St Edmunds, known as Farleigh, is a bungalow within a more modest plot of a similar size to the proposal. However, it is set well back from the road, behind a driveway lined with mature vegetation, meaning it is only glimpsed from the road and has no real impact on the streetscene. It has a private garden to the rear and the layout and setback mean that the area to the front of the dwelling is also private. Therefore, its context, presence in the streetscene and provision of private amenity space is significantly different to the proposed dwelling.
15. It is common ground that the Council cannot demonstrate a five year housing land supply. Therefore, in accordance with the provisions of paragraph 11d and footnote 8 of the Framework, permission should be granted, unless 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.

16. The harms I have identified above are significant and would be long lasting, so I ascribe them substantial weight. The site is in a sustainable location within a settlement, and would incorporate energy efficiency elements, but these are policy expectations so are neutral in the overall planning balance.
17. In terms of public benefits, the proposal would make a contribution towards the supply of housing, in an area with an ongoing under supply. There would also be social and economic benefits arising from the construction period and future spend of occupants giving support to local services and facilities. Notwithstanding this, any construction benefits would be modest and short term and one dwelling would make little difference to the overall supply of housing across the Council area. I can therefore give these benefits only limited weight.
18. With the above in mind, and when assessed against the policies in the Framework taken as a whole, the adverse impacts of the proposal would significantly and demonstrably outweigh the benefits. Consequently, the paragraph 11d presumption in favour of sustainable development does not apply. The appeal scheme would conflict with the development plan and there are no material considerations worthy of sufficient weight that would indicate a decision other than in accordance with the development plan.

Other Matters

19. The appellant has stated that subdivision of plots is common along Sandy Lane Road. No evidence to substantiate this has been provided so I cannot give it weight in my assessment.

Conclusion

20. For the reasons given above and taking into account the development plan as a whole and all other relevant material considerations, the appeal is dismissed.

Helen Davies

INSPECTOR