



# Appeal Decision

Site visit made on 1 August 2023

by **E Worley BA (Hons) Dip EP MRTPI**

an Inspector appointed by the Secretary of State

**Decision date: 17 August 2023**

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**Appeal Ref: APP/B1605/D/23/3314545**

**28 Westdown Gardens, Cheltenham, Gloucestershire GL52 6AY**

- 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 Peter Bailey against the decision of Cheltenham Borough Council.
  - The application Ref 22/01679/FUL, dated 15 September 2022, was refused by notice dated 11 November 2022.
  - The development proposed is the erection of a detached garage (revised scheme to ref: 21/01789/FUL).
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## Decision

1. The appeal is dismissed.

## Main Issue

2. The main issue is the effect of the proposed development on the character and appearance of the area.

## Reasons

3. The appeal property is a 2 storey semi-detached dwelling located at the end of the Westdown Gardens cul-de-sac, which comprises matching pairs of semi-detached dwellings. Whilst the properties have been subject to various extensions and alterations, they are set back a similar distance from the highway, with parking and gardens to the front, which contributes to a pleasant sense of openness to the street scene.
4. The proposal is for a new single detached garage with a flat roof, to be located on land to the front of the existing dwelling. It would be adjacent to the boundary fence which denotes the termination of the cul-de-sac. Despite the design and modest scale of the garage, which would be similar in height to the adjacent boundary treatment, due to its siting to the front of the dwelling, it would appear as an anomalous feature that would fail to reflect the prevailing layout of the surrounding development. Moreover, it would erode the spaciousness to the front of the dwelling and the overall open character of the cul-de-sac. The use of sympathetic materials in the construction of the garage would not outweigh this harm.
5. Whilst the existing planting to the front of 24 Westdown Gardens would offer a degree of screening in some views towards the garage, the wellbeing and longevity of the planting cannot be relied upon in perpetuity. Furthermore, as the proposed hedge planting adjacent to the side and rear of the garage is not a feature of the street it may draw attention to the structure and in any case would not mitigate the harm I have identified.

6. My attention is drawn by the appellant to recent planning permissions granted by the Council for extensions to nearby properties. However, the additions which have taken place do not affect the overall openness of the street scene. Furthermore, whilst I note the examples of detached garages positioned to the front of dwellings in other parts of the borough, I do not have full details in respect of such works so I cannot be sure of the circumstances. In any case, I have determined the appeal on its own merits, based on the evidence before me.
7. For the forgoing reasons, I conclude that the proposed development would have a harmful effect on the character and appearance of the area. In that regard it would fail to accord with Policy D1 of the Cheltenham Plan adopted July 2020 in so far as it requires development to complement and respect neighbouring development and the character of the locality and Policy SD4 of the Gloucester, Cheltenham and Tewkesbury Joint Core Strategy adopted December 2017 which seeks development that responds positively to and respects the character of the site and its surroundings. It would also conflict with the high quality design aims of the National Planning Policy Framework which seek to ensure among other things that developments are sympathetic to local character.

### **Other Matters**

8. The appellant indicates that there may be some biodiversity benefits of planting a hedge. However, this is not substantiated with any evidence, and I give this matter little weight. The fact that the proposal would not harm the living conditions of the neighbouring properties is an ordinary requirement for new development and would not represent a positive benefit that would weigh in favour of the development.
9. I have had regard for the appellant's need for additional storage space at the property. However, I am mindful that the harm identified would be permanent and is not outweighed by the appellants' particular circumstances.
10. Whilst I have not been provided with specific details of such, the appellant has suggested that alternative temporary storage solutions would be likely to have a greater impact on the street scene. Even if this was a realistic and lawful fallback position, there would be no guarantee that temporary storage structures would be retained by future occupiers of the property. In any case, they would not be a permanent building that would cause the harm I have found and would therefore not justify the proposal.
11. I am sympathetic to the fact that the appeal proposal is a resubmission of a previously withdrawn application, taking into account issues previously raised by the Council. However, I can only assess the current proposal based on the information before me.

### **Conclusion**

12. For the reasons given, 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 therewith. The appeal is therefore dismissed.

*E Worley* INSPECTOR