



Appeal Decision

Site visit made on 10 September 2024

by Rebecca McAndrew, BA Hons, MSc, PG Dip Urban Design, MRTPI

an Inspector appointed by the Secretary of State

Decision date: 25 September 2024

Appeal Ref: APP/B1605/D/24/3346845

22 Dinas Road, Cheltenham, Gloucestershire GL51 3EW

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission.
 - The appeal is made by Mrs Karen Miles against the decision of Cheltenham Borough Council.
 - The application Ref is 24/00637/FUL.
 - The development proposed is described as 'a static home at the rear of the property (back garden)'.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are;
 - i. The effect on the character and appearance of the site and area; and
 - ii. The effect on the living conditions of neighbouring occupiers, with regards to disturbance and privacy.

Reasons

Character and Appearance

3. Taken together Policy D1 of the Cheltenham Plan (2020) (CP), Policy SD4 of the Gloucester, Cheltenham and Tewkesbury Joint Core Strategy 2011-2031 (2017), the Development on Garden Land and Infill Sites in Cheltenham Supplementary Planning Document (2009) (SPD) and Section 12 of the National Planning Policy Framework require high quality development which respects local context, in terms of character and appearance.
4. The appeal site is located in a residential area which is characterised by predominantly semi-detached dwellings, with modest sized rear gardens. The rear garden of the appeal site borders several other properties.
5. The appeal proposal would introduce a large metal structure into the rear garden of the appellant's home. It would represent overdevelopment of the plot as it would occupy a significant proportion of the garden and unacceptably reduce the level of private amenity space available to the residents of the property. Also given its large footprint and height, in comparison to nearby outbuildings and the ones it would replace, it would appear excessively bulky.

Its overall appearance would be at odds with the residential character of the appeal site and area.

6. I acknowledge that there would only be limited views of the proposed structure from the public realm. However, due to its significant mass, there would be clear views of it from several neighbouring properties. As such, it would unacceptably harm the character and appearance of the area.
7. A number of existing outbuildings would be removed to accommodate the proposed static home. I accept that, when considered in isolation, this would improve the appearance of the garden. However, as I have described, a static home would appear incongruous within this modest garden in a residential area.
8. For the reasons above, I conclude that the appeal proposal would unduly harm the character and appearance of the site and area. It therefore fails to meet the requirements of CP Policy D1, CS Policy SD4, the principles of the SPD and Section 12 of the framework.

Living Conditions

9. Full details of the overall height of the proposed static home have not been provided by the appellant. However, from the submitted photos, it can be reasonably assumed that the proposed structure would extend above the close board perimeter fence. This would be likely to give rise to direct views from the static home into the private gardens of neighbouring occupiers, particularly to No 20 Dinas Road
10. Nonetheless, the appellants have advised that they would be willing for any windows which would give rise to unacceptable levels of overlooking to be obscured. Therefore, had the appeal scheme been acceptable in all other ways, I am satisfied that a condition could have required a scheme for this to be submitted and approved. As such, subject to a condition, the proposal would not unacceptably harm the privacy of neighbouring occupiers.
11. The appellant has confirmed that she would live in the static home with her husband. On this basis, the intensity of use would be unlikely to generate an unacceptable level of disturbance to neighbouring occupiers.
12. In view of the above, the proposal would not unacceptably harm the living conditions of neighbouring occupiers, in terms of loss of privacy and disturbance. Therefore, there is no conflict with CP Policy SL1, CS Policy SD14 and the provisions of the SPD which seek to protect the living conditions of adjoining occupiers.

Other Matters

13. I note that there are special medical circumstances associated with the proposal. I acknowledge the appellant's comments that it would be unaffordable to move to a property which better suits her household needs. I have carefully considered all information submitted in this respect.
14. Refusal of the scheme would engage Human Rights matters. Having regard to Article 8 and Article 1 of the first Protocol, there would be interference with the occupier's rights in respect of private and family life, and the peaceful enjoyment of possessions respectively. However, there is a legitimate aim in

protecting the character and appearance of the area and the scheme falls short of acceptability in this respect. The harm would be permanent and long standing. Consequently, these personal circumstances do not outweigh the significant harm I have described. Such a conclusion is proportionate and necessary in this case.

15. I have considered a number of other matters raised by the appellant in support of the proposal. I note the appellant's reference to the static home being a 'temporary solution' and that an existing patio would be removed and replaced with gravel to accommodate the static home. The appellant states that the proposal would not give rise to an increased level of on street parking.
16. I acknowledge that the appellant considers that the proposed accommodation would be an annex to the existing house. She advises that services would run from the existing dwelling to the static home and the main dwelling would be accessed for washing clothes, eating and showering.
17. I recognise that no local objections have been received and a next-door neighbour has written in support of the appeal proposal.
18. However, none of the other matters raised alter or outweigh my conclusion that the proposed static home would unacceptably harm the character and appearance of the site and area.

Conclusion

19. Whilst I find the proposed static home would not be harmful to the living conditions of neighbouring occupiers, this would not be sufficient to outweigh the significant harm to the character and appearance of the site and area. Therefore, the proposal conflicts with the development plan as a whole.
20. There are no other considerations which outweigh the conflict with the development plan. I therefore conclude the appeal should be dismissed. The proposal would not unacceptably violate the family's rights under Articles 1 and 8. The protection of the public interest cannot be achieved by means that are less interfering of their rights.

Rebecca McAndrew

INSPECTOR