



Appeal Decision

Site visit made on 18 March 2025

By G Powys Jones MSc FRTPI

an Inspector appointed by the Secretary of State

Decision date: 31 March 2025

Appeal Ref: APP/B1605/D/24/3357759

9 Pumphreys Road, Charlton Kings, Cheltenham, GL53 8DD

- 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 Matthew Dean against the decision of Cheltenham Borough Council.
 - The application Ref is 24/01667/FUL.
 - The development proposed is a two storey and single storey rear extension.
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Decision

1. The appeal is allowed, and planning permission is granted for a two storey and single storey rear extension at 9 Pumphreys Road, Charlton Kings, Cheltenham, GL53 8DD in accordance with the terms of the application, Ref 24/01667/FUL, subject to the conditions set out in the accompanying Schedule.

Main Issue.

2. This is the effect of the proposals on the living conditions of the neighbouring residents at 8 Pumphreys Road with reference to outlook and daylight.

Reasons

3. In common with the other properties sited on the southern frontage of Pumphreys Road, the appeal property is a semi-detached dwelling. The appellant seeks to extend at the rear, in a similar fashion to the extensions carried out next door at No 8, albeit that the main roof would be of a different design. The Council has no objection to the intrinsic design of the proposal, and I have no reason to disagree with the officer assessment in this regard.
4. The Council's concerns centre on a single ground floor window inserted in No 8's rear single storey extension which faces west, towards the appeal proposal. The officer report relies in part on an earlier officer report prepared for a previous application which says that:

This neighbouring property appears to have a kitchen window to the side; however, the use of this window has not been possible to confirm.

5. No further investigations appear to have been made by officers in considering the latest application. The appellant says that the window of concern to the Council is one of 3 glazed openings serving a large open plan kitchen/dining room in No 8. Since I was not asked to visit No 8 internally, I am not able to verify this. However, what I saw from the appeal property's garden was not inconsistent with the

appellant's account. In this regard another window at ground floor level is situated in the same elevation as the window of concern. A larger glazed opening has been inserted in the southern elevation of No 8's single storey extension, albeit this opens out into a conservatory.

6. The window of concern is close to the common boundary with the appeal property. The boundary however is demarcated by a solid timber fence and the outlook currently available from No 8 from this window is very restricted because of the fence's height and position. The proposal would not make matters materially worse in terms of the outlook available from No 8 through this particular window.
7. The fence also affects the amount of light entering No 8 through this window. However, based on what I saw, the affected space within No 8 has other light sources, including one from directly south. I am not therefore persuaded that the Council's objection for this reason has been or is justified.
8. I therefore conclude that the proposed extension would not materially harm the living conditions of the residents at No 8. Although not decisive in my considerations I note that No 8's residents, on being consulted formally at application stage, did not object to the proposal.
9. Accordingly, no conflict arises with the provisions and objectives of policy SL1 of the Cheltenham Plan (CP) and policy SD14 of the Gloucester, Cheltenham and Tewkesbury Joint Core Strategy (JCS) directed to ensuring that new development should not unacceptably harm the amenity of neighbouring occupants or adjoining land users.

Conditions

10. The Council has suggested the imposition of some conditions in the event of planning permission being granted.
11. It is necessary that the development is carried out in accordance with the approved plans, and a condition to this effect is therefore imposed in the interests of certainty.
12. A condition in respect of materials is imposed in the interests of visual amenity.

Other matters

13. All other matters raised have been considered and taken into account, including the references to the *National Planning Policy Framework* and the Council's Supplementary Planning Document relating to Residential Alterations and Extensions. Other development plan policies were also referred to, but I consider those to which I have referred to be the most relevant having regard to the main issue identified. No other matter is of such strength or significance as to outweigh those considerations that led to my conclusions.
14. Accordingly, the appeal is allowed, subject to conditions.

G Powys Jones

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: 1043-01; 1043-02A; 1043-03 & 1043-04.
- 3) The materials to be used in the construction of the external surfaces of the development hereby permitted shall match those of the existing dwelling.