
Appeal Decision

Site visit made on 9 June 2026 by K Hole BA (Hons)

Decision by L C Hughes BA (Hons) MTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 05 August 2026

Appeal Ref: 6008771

17 Shelley Road, Cheltenham, Gloucestershire GL51 7DN

- 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 Matt Marks against the decision of Cheltenham Borough Council.
 - The application Ref is 26/00117/FUL.
 - The development proposed is “first floor side and rear extension and outbuilding”.
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Decision

1. The appeal is dismissed.

Appeal Procedure

2. The site visit was undertaken by a representative of the Inspector whose recommendation is set out below and to which the Inspector has had regard before deciding the appeal.

Preliminary Matters

3. I have taken the description of development from the Council’s decision notice which provides a more accurate description.
4. The proposed development comprises an extension to the dwelling and a replacement outbuilding. The Council are of the view that the replacement outbuilding is acceptable in terms of scale, form and design. There are no compelling reasons for me to disagree. This decision therefore relates to the extension to the dwelling.

Main Issues

5. The main issues are;
 - i) whether the proposed extension would preserve or enhance the character or appearance of the Poets Conservation Area (CA); and
 - ii) the effect of the proposed extension on the living conditions of occupiers of 15 Shelley Road with regard to outlook and light, and neighbouring occupiers with regard to overlooking and privacy.

Reasons for the Recommendation

Character and appearance

6. The appeal site is located within the Poets Conservation area. The significance of the CA, as it relates to this appeal, derives from its development as a carefully

planned and laid-out residential suburb constructed in the early 20th century and influenced by Garden City and Arts and Crafts principles. There is a cohesive and unified residential character which remains largely unchanged with spacious plots, consistent building lines, distinctive roof forms and a strong visual relationship between the dwellings and landscaping. Dwellings tend to be red brick or rendered and are of similar scale with gable, hipped and catslide roof forms.

7. The appeal property is a two-storey semi-detached dwelling which when viewing to the front mirrors it's semi-detached neighbour. The pair sit in a prominent location at the junction of Shelley Avenue and feature a shared rendered front gable with red bricks to the ground floor and red clay tiles to the gable end catslide roof. Their design and appearance reflect the strong character of the area, and contribute positively to the significance of the CA.
8. The side extension would be set back from the front elevation and in that regard, it would display a level of subservience to the appeal dwelling and limit the views of the extension from Shelley Road. However, the design would introduce a complex roof form with a pitched roof that slopes down from the side gable end catslide roof. This arrangement, which is not characteristic of the area, would create a visually discordant and poorly integrated addition to the dwelling.
9. Given the generous spacing between 15 Shelley Road and 22 Shelley Avenue, the rear elevations of the appeal dwelling including the roof of the single storey rear extension is visible from the public highway on Shelley Avenue. While the use of matching materials would assimilate with the dwelling, notwithstanding the hipped pitched roof design, the cumulative effect of the depth, height and width of the rear element of the extension would appear as a bulky and dominant addition to the dwelling. This would be at odds with the Residential Alterations and Extensions Supplementary Planning Document (2008) which advises that extensions should not dominate or detract from the original building and should be subservient in height and width.
10. I note that the extension would not significantly increase floor space as a whole. However, the resulting visual effects would be harmful to the character and appearance of the CA.
11. The appellant has drawn my attention to several examples of extended dwellings in the area, including some that are visible from the public highway. However, I have not been provided with any substantive evidence regarding their planning history or the planning policy context under which they were determined, or which material considerations may have been considered, and therefore I am unable to make any meaningful comparisons with the proposed extension before me.
12. Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires decision makers to have special regard to the desirability of preserving or enhancing the character or appearance of a Conservation Area. Having regard to the scale of the proposal, which relates to a single property in the CA, the harm to the CA would be at the lower end of less than substantial.
13. The National Planning Policy Framework (the Framework) requires me to give great weight to the heritage asset's conservation and to weigh the level of harm identified in this case against any public benefits. While the proposed development would provide additional living accommodation, this would constitute a private

benefit. No public benefits have been put forward that are of sufficient weight to outweigh the harm identified to the CA.

14. The proposal would not preserve or enhance the character or appearance of the CA. In that regard, it would conflict with the requirements of policies D1 of the Cheltenham Plan (2020) (CP) and SD4 and SD8 of the Joint Core Strategy (2017) (JCS) which collectively require development to complement and respect neighbouring development and character of the locality, and that heritage assets are conserved and enhanced as appropriate to their significance. For the same reasons, the proposal would conflict with the requirements to conserve and enhance the historic environment in The Framework.

Living conditions

15. The submitted drawings indicate that the rear extension would marginally breach the 45-degree line taken from the centre of the window of the nearest ground floor room at 15 Shelley Road (No 15). However, this would result in only a minimal effect on levels of light received and as such, there would be no material harm to the occupiers of No 15 in this regard. Even so, while the extension would be set in from the shared boundary, due to its depth and height, it would be highly discernible from this window diminishing the outlook of the occupiers of No.15 and creating a perception of enclosure that would not have existed before. Whilst there would be a reasonable amount of garden space that would be unaffected, the loss of outlook and feeling of enclosure would also be felt in part of the rear garden of No 15, to the detriment of the enjoyment of its occupants.
16. Given that the windows on the side elevations would be small and set high or within the roof, there would be no meaningful overlooking or loss of privacy to the occupiers of 15 and 19 Shelley Road. The windows on the rear elevation of the extension do not face any dwellings. Whilst they would provide direct views into the rear portions of the gardens at 21 and 22 Shelley Avenue, intervisibility between properties and gardens is not unusual in residential built-up areas. I consider that the separation distances between these windows and the gardens would be sufficient to avoid harm to their occupiers with regard to overlooking and privacy.
17. However, the proposed extension would unacceptably harm the living conditions of the occupiers of 15 Shelley Road with regard to outlook. Accordingly, it would conflict with policies SL1 of the CP and SD14 of the JCS which collectively set out that development should not cause unacceptable harm to the amenity of neighbouring properties.

Other Matters

18. I note that there are several representations from neighbouring occupiers in support of the proposed development. I am mindful that personal circumstances and ownership of properties can change and any harmful effects resulting from new development would be permanent. Furthermore, while there may be other residential development in the wider area, each proposal must be considered on its own merits within its specific site context.
19. There have been no technical objections in relation to highways and drainage. Nevertheless, the lack of harm is a neutral factor that does not outweigh the harm that I have identified arising from the main issues.

20. The appellant considers that the proposal would represent sustainable development, make efficient use of land and would support the long term occupation of the property. However, it has not been demonstrated that the development proposed is the only way of achieving those objectives. Moreover, the Framework is clear that good design is a key aspect of sustainable development. Given the harmful impact that the proposal would have on the CA, the development fails to achieve the aims of the Framework.

Conclusion and Recommendation

21. The proposed development conflicts with the development plan read as a whole and the Framework read as a whole. There are no material considerations advanced, which indicate the decision should be made other than in accordance with the development plan. For the reasons given above and having had regard to all other matters raised, I recommend that the appeal should be dismissed.

K Hole

APPEAL PLANNING OFFICER

Inspector's Decision

22. I have considered all the submitted evidence and my representative's report and on that basis the appeal is dismissed.

L C Hughes

INSPECTOR