

Appeal Decision

Site visit made on 22 September 2016

by P Eggleton BSc(Hons) MRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 28 September 2016

Appeal Ref: APP/B3030/D/16/3153486

The Old Vicarage, Church Lane, South Scarle, Nottinghamshire NG23 7JP

- 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 B Mason against the decision of Newark and Sherwood District Council.
 - The application Ref 15/02125/FUL, dated 23 November 2015, was refused by notice dated 8 April 2016.
 - The development proposed is a garage, lean-to building and all associated external works.
-

Application for Costs

1. An application for costs was made by Mr B Mason against Newark and Sherwood District Council and is the subject of a separate decision.

Decision

2. The appeal is allowed and planning permission is granted for a garage and all associated external works at The Old Vicarage, Church Lane, South Scarle, Nottinghamshire in accordance with the terms of the application, Reference 15/02125/FUL, dated 23 November 2015, subject to the following conditions:
 - 1) The development hereby permitted shall be carried out in accordance with the following approved plans: 14-BM-09B.
 - 2) No above ground development shall commence until details of all of the external materials to be used in the construction of the garage hereby permitted have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.

Main Issue

3. The main issue is whether the proposal would preserve or enhance the character or appearance of the conservation area.

Reasons

4. The application describes the proposal as a garage, lean-to building and all associated external works. I understand that the original plans were revised and the plans before me were considered by the planning authority when reaching its decision. These do not include a lean-to section. They include a
-

three bay garage with pitched roof and a marginally lower additional bay with matching roof form. I have assessed the proposal on the basis of the revised plans and removed the reference to a lean-to structure.

5. The development has commenced as the foundations have been laid. However, as the development is not complete, I have not considered it as being entirely retrospective.
6. The property lies within the South Scarle Conservation Area which covers much of this compact village. Although having historic connections with the nearby church, the Old Vicarage is now visually separated from it by intervening more modern development. The property has an access to both Church Lane and Main Street. The latter was in the process of being upgraded. This and the adjoining access to the Redmay Corner properties allow views along them towards the side elevation of the Old Vicarage.
7. The proposed building would be located adjacent to 2 Redmay Corner. The boundary of the site, at this point, is a high close-boarded fence. The new building would sit behind this structure. It would have an eaves height of just under three metres and a ridge height of five metres. It would therefore be evident in views from Main Street above the fence. However, given its position and height, it would have only limited prominence. Its design and materials would ensure that it would sit comfortably within the views of the Old Vicarage.
8. Overall, the building would have a very limited wider impact on the conservation area but in views that would be available, it would sit unobtrusively to the side of the main house. As it would be of good quality design and materials, it would have a neutral impact on the conservation area and the setting of the Old Vicarage. It would preserve the character and appearance of both and would not conflict with the heritage requirements of Core Policy 14 of the Core Strategy 2011 (CS) or Policy DM9 of the Allocations and Development Management Development Plan Document 2013 (DPD).
9. The Council have made reference to a previous appeal decision relating to a four bedroom detached house with attached double garage. It was found that that dwelling would significantly add to the amount of built form apparent in the street scene and it would appear cramped and at odds with the existing spacious character of this part of the conservation area. The current proposal differs considerably with development limited to the side of the property. It would also be single storey rather than the two storey house which would have extended across the full width of the site. The garages would not obscure existing views of the remaining trees or unacceptably reduce the open setting of the Old Vicarage which were concerns of the previous inspector.
10. The appeal decision made reference to the alterations to the access and these have also been referred to by third parties. However, the access arrangements have already been approved and this proposal would not alter those works other than to include the proposed garage within the parking area.
11. The new structure would be close to the boundary with 2 Redmay Corner and it would increase the level of enclosure that currently exists because of the high boundary fence. The plans do not accurately plot the adjacent house but I have considered the relationship that would exist on the ground. Given the height of the building, it would be more imposing than the existing fence. However, it

- would not be overbearing for the adjacent residents when using their driveway or when within the main front room of the house.
12. The new building would have a greater impact on the dining area of 2 Redmay Corner as this is located close to the side boundary. The room has its main aspect to the rear and this would not be altered. The forward facing window is at a high level and although it provides a limited outlook, its main function is to increase light to the room. The outlook from that window would be altered when in certain parts of the room but not to the extent that living conditions would be unacceptably harmed. Similarly, light levels would not be altered to the extent that unacceptable harm would result. Overall, I do not find conflict with the amenity requirements of DPD Policy DM5 or CS Spatial Policy 3.
 13. It is suggested that a garage could be located elsewhere within the site. It is not the purpose of these proceedings to assess alternatives. Given the works that have been accepted with regard to the driveway, the location of the development proposed would result in a satisfactory layout overall.
 14. It has been suggested that the building could be converted to a dwelling. Although I note the planning history, the proposal is for a domestic garage and I have considered it on this basis. As a planning application would be required to convert it to a dwelling, I am not satisfied that a condition to restrict its use, as suggested by the Council, would be necessary.
 15. Overall, I have considered the concerns raised by the local residents, the Parish Council and the planning authority. However, I agree with the views of the Council's Conservation Officer that the revised plans would satisfy the duties set out within the legislation. The proposal would meet the heritage requirements of the *National Planning Policy Framework* and the proposal would not result in unacceptable harm with regard to amenity. I have not found there to be any matters that weigh significantly against the proposal. I therefore allow the appeal.
 16. I have not included a condition relating to the commencement of development as foundations have already been laid. I have imposed a condition specifying the relevant drawings to provide certainty. I have required that details of the materials be submitted to ensure that the development would have a satisfactory appearance and would respect the character of the host dwelling. The details shown on the plans are sufficient for a building of this nature and I have not therefore required more detailed plans as requested by the Council.
 17. I have not imposed the conditions suggested by the highway authority as these are already included within the permission with regard to the driveway. I am not persuaded that a condition to prevent new window openings would be necessary in the interests of privacy. A condition to prevent dormer windows is not required as such additions would require a separate planning permission.

Peter Eggleton

INSPECTOR