
Appeal Decision

Site visit made on 11 October 2016

by David Troy BSc (Hons) MA MRTPI

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

Decision date: 24th October 2016

Appeal Ref: APP/F2415/D/16/3157576

Rose Cottage Farm, Crackbottle Road, Keythorpe, Tugby LE7 9XG

- 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 Tadeusz against the decision of Harborough District Council.
 - The application Ref 16/00123/FUL, dated 23 January 2016, was refused by notice dated 8 June 2016.
 - The development proposed is conversion of garage to annex and a detached garage.
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Decision

1. The appeal is allowed and planning permission is granted for conversion of garage to annex and a detached garage at Rose Cottage Farm, Crackbottle Road, Keythorpe, Tugby LE7 9XG in accordance with the terms of the application, Ref 16/00123/FUL, dated 23 January 2016, subject to the conditions in the attached schedule.

Application for costs

2. An application for costs was made by Mr Tadeusz against Harborough District Council. This application is the subject of a separate Decision.

Main Issue

3. The effect of the development on the character and appearance of the area.

Reasons

4. The appeal site comprises a two storey dwelling house with attached linked garage extending from the side of the property. The property is located in the open countryside in an isolated rural location set back from the road behind a front garden/driveway and boundary hedgerow. An agricultural unit and buildings are located immediately to the west of the site.
 5. The proposal would involve the conversion of the existing garage to a residential annex and the construction of a new detached garage building measuring about 7m by 7m with a ridge height of approximately 6.5m to the side of the property. The proposed garage would be of a similar scale and design to the existing garage and would be built set back from the road broadly in line with the front of the dwelling. This would require the re-positioning of the access at the front of the site. A dog kennel for three dogs is also shown on the submitted plans in the rear garden, which the appellant has confirmed with the Council is for domestic purposes.
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6. The appeal property is in a relatively large plot with a wider frontage. The proposed detached garage would therefore not appear overlarge, relative to the overall plot size. The two storey form of the proposed garage being set back with the use of matching materials and fenestrations, would ensure the proposal would sit relatively unobtrusively within the site against the two storey form of the main house and the existing garage. The conversion of the existing garage would involve no external alterations and the proposed kennel at the rear of the property would not be visible and as such would have no material impact on the character and appearance of the area.
7. As such I consider that the development, by virtue of the scale, siting and design would not be out-of-keeping with the existing buildings on the site and would have limited impact on the open character and appearance of the surrounding rural area.
8. I have noted the concerns raised by the Parish Council and local residents regarding the visual impact, location and future intended use of the new garage building and kennel, alterations to the existing access and the on-going enforcement issues. The Council's planning officer report confirms that an amended site plan was submitted by the appellant as part of the planning application process showing the proposed development relocated entirely within the residential curtilage. The report outlines no highway objections to the alterations to the existing access. The Council and appellant state that the on-going enforcement issues relate to separate planning matters primarily in connection with the use of the adjacent family owned agricultural unit and buildings. Based on the evidence before me, I consider that the development is acceptable for the reasons set out above and the layout and the future use of the buildings can be controlled by appropriate planning conditions.
9. Consequently, I conclude that the development would not harm the character and appearance of the area and would be consistent with the design aims of Policy CS11 (c) of the Harborough District Core Strategy 2011. This policy seeks, amongst other things, to ensure that development is a high standard of design which respects the qualities, character and amenity of the local area.

Conditions

10. I have had regard to the various planning conditions that have been suggested by the Council. In addition to the standard time limit condition, I have specified the approved plans, including the amended site plan, as this provides certainty. Those conditions relating to the detailing of the external materials and finishes of the approved garage, the withdrawal of the permitted development rights and restricting the use of the annex as ancillary to the main dwelling on the site are appropriate as they would safeguard the amenities and character and appearance of the area and would be in the interest of highway safety.

Conclusion

11. For the reasons given above and having considered all other matters raised, I conclude that the appeal should be allowed.

David Troy

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 approved plans: Location Plan 1:1250, Existing Garage Elevations and Floor Plans 1:100 and Proposed Amended Site Plan, Elevations and Floor Plans for the Detached Garage and alterations to the Existing Garage 1:100.
- 3) No development shall commence until details of the materials to be used in the construction of the external surfaces of the detached 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.
- 4) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking and re-enacting that Order with or without modification), the detached garage hereby permitted shall not be converted to habitable accommodation.
- 5) The development hereby permitted shall not be occupied at any time other than for purposes ancillary to the residential use of the dwelling known as Rose Cottage Farm.