

Appeal Decision

Site visit made on 23 November 2016

by G Powys Jones MSc FRTPI

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

Decision date: 07 December 2016

Appeal Ref: APP/J3720/D/16/3159705

Mill Cottage, Bidford Grange, Bidford-on-Avon, Alcester, Warwickshire B50 4LY

- 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 D Broadhurst against the decision of Stratford-on-Avon District Council.
 - The application Ref 16/00568/FUL, dated 16 February 2016, was refused by notice dated 24 August 2016.
 - The development is described as proposed extension to an existing dwelling and separate ancillary outbuilding.
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Decision

1. The appeal is dismissed.

Preliminary and Procedural matters

2. Whilst there would be no internal linkages between the extended host property and outbuilding at ground and first floor levels, they would be physically linked at roof level, and by means of an arched gateway. The whole block thus formed would be centred on a courtyard and, when viewed from the south-east and north-west in particular, the development as a whole, notwithstanding the description given in the application form, would be perceived as a single entity.
3. In its sole reason for refusal the Council relies on policies contained in its Core Strategy (CS). The appellant makes the point that the application was submitted well before the Council adopted its CS, and that these policies would not have been effective had the determination of the original application not been delayed.
4. In determining this appeal, however, I am required to have regard to the provisions of the development plan as it stands at the time of my decision. The CS now forms part of the development plan for the District and, as a matter of law, I must therefore have regard to any relevant policies contained therein.
5. I am also required to make my determination in accordance with the development plan unless the material considerations indicate otherwise. In this regard, CS policy CS.20 is considered particularly significant. Section B of the policy deals with Alterations and Modifications and provides that:

Alterations and modifications to existing buildings and dwellings, including proposed extensions, outbuildings and annexes, will be of an appropriate scale and subservient in relation to the existing building, taking into account the site location and the

cumulative impacts of previous extensions and development on the site where appropriate.

6. Although little precise empirical data has been provided I am satisfied that the additional accommodation proposed as a whole could not reasonably be described as *subservient* assessed in terms of the existing and proposed footprint, floorspace and volume.
7. The appellant does not claim that it would, and to my mind, the already extended cottage would become wholly subsumed within the new development, effectively losing its identity. It follows logically that the development would not be of an *appropriate scale* in the terms of the policy. I am therefore clear that the development as proposed would be in clear conflict with the *scale* and *subservience* requirements of CS policy CS.20.
8. CS policy CS.9 is also relevant – this is a policy directed to *Design & Distinctiveness* and sets out the criteria for assessing the acceptability of development proposals in these terms.

Main issues

9. Having regard to the above the main issues are whether the material considerations indicate that a departure from the provisions of CS policy CS.20 is justified, and the effect of the proposals on the character and appearance of the host property and its surroundings.

Reasons

10. Judging from the planning history, the submitted photographs and what I saw, Mill Cottage has been extended before, almost 30 years ago. The extension carried out then was consistent with the mass and scale of the host property and with its design, including the materials used externally. It remains an attractive property, of modest proportions, and as its name suggests, given its location close to the river, it has historical connotations. It contributes positively to local distinctiveness.
11. The scale of the proposals would overwhelm the host property, and the Mill Cottage would effectively lose its identity within the new development, described by the Council as '*grandiose*'. Thus in terms of scale, the proposal is wholly insensitive to that of the host property, whose understated, modest character would be irretrievably lost.
12. However, the site is located within a hollow formed by the geomorphological effects of river erosion, and is very well screened, either as a result of the lie of the land or by trees, even when defoliation has taken place. Thus the impact on the wider landscape and the public realm would be limited, and could not reasonably be considered harmful. Moreover, this is a landscape well used to accommodating larger buildings, as exemplified by those contained within the adjacent leisure/golfing complex.
13. The appellant cites '*very special circumstances*' in support of the proposals. These are centred on the proposition that the development would provide a '*safe haven*' for the family during times of flood as well as accommodation for the appellant's on-site business. The Council does not dispute that the host property has been subject to flooding before, and, based on the revised

comments of the Environment Agency, is satisfied with the flood mitigation measures proposed.

14. I acknowledge that this would be a significant benefit of the scheme from the appellant's standpoint, but the Council does not rule out the possibility of a replacement dwelling being built on higher ground, although this would inevitably mean the loss of the original cottage, considered by the Council to be of 'historic value'.
15. As to design, any judgment made relates to the appellant's and Council's objectives respectively. In the context of the Council's objectives, which is largely centred on maintaining the character of the historic Mill Cottage, the design, largely on account of its scale, is unacceptable. On the other hand, the architect has attempted to present the larger development with distinct rural/local visual cues, with a fair degree of success.

The Planning Balance

16. I find the proposed development to be in clear conflict with those provisions of CS policy CS.20 directed to alterations & extensions to dwellings and to outbuildings by reason of its excessive scale and failure in terms of subservience.
17. Provisions within CS policy CS.9 require new development to respect local character and distinctiveness and to demonstrate sensitivity. In view of the fact that the proposals as a whole would swamp the existing modest cottage, with its historical connotations, there would be a failure to adhere to this policy guidance; indeed, the development would wholly cut across these aspects of policy.
18. The failure to comply in policy terms would normally result in a straightforward rejection of the scheme. However, other aspects need to be weighed in the equation.
19. The argument in respect of the visibility of the proposal, and comparison with other local buildings may be attractive superficially, but is far from decisive. It is an argument that could be repeated too often in rural areas leading ultimately, if maintained, to the erosion of rural character, which local and national policies serve to protect. This factor accordingly attracts moderate weight.
20. The flooding issue is significant from the perspective of the appellant's family. But in circumstances where an alternative appears available, that of a possible replacement dwelling, albeit of a lesser scale than the development proposed, this factor attracts little weight.
21. The approach to the design of the proposal as a whole, considered in isolation, may be considered worthy. However, the design, for the reasons already provided, pays scant attention to the scale and proportions of the host property. Accordingly, this failure to appreciate and value context, as required, weighs heavily against the scheme.

Conclusions

22. I conclude that the proposed development would be in clear conflict with significant aspects of local development plan policy, and that the material

considerations are of insufficient weight to indicate that a departure from policy should be made. The appeal, accordingly, does not succeed.

Other matters

23. The appellant's reference to the debate in planning committee has been taken into account, as have his references to other large extensions to dwellings granted permission by the Council. However, the full circumstances of those decisions are not before me, and, in any event, I have found that this scheme is unacceptable on its specific merits.
24. Also taken into consideration is the point raised, particularly by the Campaign To Protect Rural England, but also apparently by members of the planning committee, that the scheme may be a device intended to ultimately create an additional new dwelling in the countryside. This has not played a significant part in my considerations, since such a proposal, if pursued, would be subject to future planning control. In addition, although none has been supplied, the appellant has made clear his willingness to enter into a formal agreement to prevent such a sub-division taking place.
25. All other matters raised in the representations have been taken into account, including the fact that the Parish Council neither supported nor objected to the scheme, but none are of such strength or significance as to outweigh the considerations that led me to my conclusions.

G Powys Jones

INSPECTOR