
Appeal Decision

Site visit made on 5 December 2016

by C L Humphrey BA (Hons) DipTP MRTPI

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

Decision date: 9th January 2017

Appeal Ref: APP/X1355/D/16/3157689

Bracken Cottage, Bank Foot, Shincliffe, Durham DH1 2PD

- 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 Alan Whitley against the decision of Durham County Council.
 - The application Ref DM/16/01484/FPA, dated 6 May 2016, was refused by notice dated 1 July 2016.
 - The development was originally described as 'The proposals, which are retrospective and are a RE-SUBMISSION with amendments of an earlier refused application (Ref: DM/16/00132/FPA), are to adapt part of the previously approved double garage (application ref: DM/15/02312/FPA) to create a sun-room/gym in one half of the ground floor of the garage with toilet and utilizing the otherwise wasted space within the roof as a hobby/storage space.'
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Decision

1. The appeal is allowed and planning permission is granted for a single garage with sun-room/gym and toilet on the ground floor and hobby/storage space on the first floor with access door and balcony to garden at first floor at Bracken Cottage, Bank Foot, Shincliffe, Durham DH1 2PD in accordance with the terms of the application, Ref DM/16/01484/FPA, dated 6 May 2016, and the plans Ref 4394/101A, 4394/6B and 4394/7A submitted with it, subject to the following conditions:
 - 1) Notwithstanding the approved plans, within 3 months of the date of this decision, the external surfaces of the concrete block work used in the construction of the walls of the development hereby permitted shall be rendered and painted in a colour to match the existing dwelling.
 - 2) The garage within the development hereby permitted shall be kept available at all times for the parking of motor vehicles by the occupants of the dwelling and their visitors and for no other purpose.

Background and Procedural Matters

2. The appeal site is occupied by Bracken Cottage, a detached dwelling, which is situated to the south of a group of 4 cottages in a rural setting on the east side of the A177 between the villages of Shincliffe and High Shincliffe and around 2 miles from Durham. The site is located in the Green Belt, within Shincliffe Conservation Area (the Conservation Area) and in an Area of High Landscape Value (AHLV).
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3. Planning permission (Ref DM/15/02312/FPA) was granted in October 2015 for the demolition of a garage and construction of double garage at the appeal site. The development which was subsequently carried out does not accord with the plans approved under that planning permission. At the time of my site visit I noted that the development had been completed in accordance with the plans Ref 4394/101A, 4394/6B and 4394/7A submitted with planning application Ref DM/16/01484/FPA, which is the subject of this appeal.
4. Notwithstanding the description of development set out in the banner heading above, which is taken from the application form, it is evident from the submitted plans and from my site visit that the development also includes a balcony. The Council's decision notice describes the development as a retrospective application for a 'single garage with sun-room/gym and toilet on the ground floor and hobby/storage space on first floor with access door and balcony to garden at first floor', and I note that the appellant has used this description on the appeal form. This revised description more appropriately describes the development and I have therefore considered the appeal on that basis, as set out in paragraph 1 of this Decision, as neither of the parties would be prejudiced or caused any injustice by me taking this course of action.

Main Issues

5. The main issues are:

- (a) Whether the development is inappropriate development within the Green Belt for the purposes of the National Planning Policy Framework (the Framework) and development plan policy; and
- (b) The effect of the development upon the character and appearance of the surrounding area.

Reasons

Whether inappropriate development

6. Policy E1 of the City of Durham Local Plan states that the construction of new building within the Green Belt is inappropriate and will not be permitted. The policy sets out a number of exceptions to this, including limited extensions or alterations to existing dwellings where this is consistent with Policy Q9 of the Local Plan. This approach is in line with part 9 of the Framework.
7. The development is detached from Bracken Cottage but is sited within the garden, adjacent to retaining walls on a levelled hard-surfaced area and in close proximity to the main house. The building replaced a previous structure which is described in the Heritage Statement as a semi-derelict flat-roofed garage/store. The appeal scheme is situated in largely the same location as the previously approved double garage, and occupies a smaller footprint although it is somewhat higher.
8. Taking account of the building's function as a domestic garage with ancillary residential uses associated with Bracken Cottage, I consider that the development can reasonably be considered to be an extension for the purposes of Green Belt policy.
9. Based on the evidence before me, the development has a footprint of around 49m² and is slightly lower than Bracken Cottage. The Council refer to the

increase in height of the building in relation to that previously approved. However, the scale of the appeal scheme is not disproportionate when compared to the footprint, bulk and height of the main house. Whilst the development has additional window and door openings and a small timber balcony which were not features of the previously approved scheme, they do not in themselves detract from the openness of the Green Belt. The siting, scale, mass and design of the appeal scheme do not differ significantly from the previously approved scheme, and I attach considerable weight to the fallback position which the extant permission provides. Overall, the development has an ancillary function and appears as a limited extension to the dwelling.

10. For the reasons set out above, in respect of the first main issue, I conclude that the development is not inappropriate development within the Green Belt for the purposes of part 9 of the Framework and Policy E1 of the Local Plan.

Character and appearance

11. The Conservation Area is focussed on the attractive village of Shincliffe to the north west of the appeal site, which is characterised by the reasonably close grain of predominantly residential development from a range of periods and of differing architectural styles and materials. The Conservation Area boundary is fairly widely drawn around the village, and the appeal site is situated some distance from the built edge of the settlement around a sharp bend in the A177. Due to the distance between the village and the appeal site and the intervening topography and landscape features, they are not intervisible.
12. The Local Plan states that the AHLV contains some of the most significant surviving areas of intact, mature and unspoilt rural landscapes in Country Durham. The area surrounding the appeal site is notable for its rolling landscape of fields, wooded areas and the valley of the River Wear.
13. Views of the development from outside the appeal site are limited. The development is set back into the site away from the road and is largely screened by Bracken Cottage and Beaumont Court to the west and north. It is possible to glimpse the building from certain points along the road to the south west, although the retaining wall which wraps around its south and east sides, together with the undulating ground levels and mature hedgerow and trees along the western boundary, mean that such views are restricted. From the public footpath to the east of the site the development is partly screened by extensive tree cover and the grassed embankment and retaining wall to the side of the building, and it is seen in the context of Bracken Cottage and the adjacent buildings at Beaumont Court.
14. The bricks used in the construction of the development reflect the adjacent brick retaining walls within the appeal site. The pitched roof design, deep overhanging eaves and roofing materials echo the roof of Bracken Cottage. Other than windows largely concealed by the retaining walls, the window frames and doors are timber. Although the doors and windows lend the development a domestic appearance, because the building functions as an ancillary residential extension serving the main house they do not appear out of character in this context. The balcony is accessed from the first floor of the building but, given the topography of the site, externally it is level with the raised grassed embankment to the south and east of the development and so is not obtrusive.

15. I noted during my site visit that the walls of the garage adjacent to the retaining wall are constructed in concrete block work. Although this block work is mostly screened by the retaining walls, it is partly visible from the nearby public footpath and detracts from the appearance of the building. In order to ensure the high quality appearance of the development, a condition could be imposed requiring the concrete block work to be rendered and painted in a colour to match the main house.
16. Overall, the appeal scheme is discreet and well-screened. Subject to the external finish of the concrete block work, the design, scale and materials of the building are sympathetic to both the main house and Beaumont Court, and the development integrates well into the appeal site and the surrounding area.
17. For the reasons set out above, in respect of the second main issue, I conclude that the development does not have a harmful effect upon the character and appearance of the surrounding area, including the AHLV, and that it preserves the character and appearance of the Conservation Area. As such, the development accords with the design, landscape protection and heritage conservation and enhancement aims of Policies Q9, E10, E21 and E22 of the Local Plan and part 7 and 12 of the Framework.

Other matters

18. Third parties objected to the development on a wider basis, raising concerns about the use of the building as a gym and hobby room and the retrospective nature of the planning application. The development is an ancillary extension associated with Bracken Cottage, and therefore does not alter the established residential use or character of the appeal site. The fact that the building has been erected without permission is not a reason in itself to dismiss the appeal, and the development must be judged against material planning considerations.

Conditions

19. The Council has suggested conditions which it considers would be appropriate were the appeal to be allowed. The development has already been carried out, and therefore the suggested conditions relating to starting the development within 3 years and carrying it out in accordance with the approved plans are not necessary and would fail to comply with the tests set out in paragraph 206 of the Framework, so I have not imposed them.
20. In order to ensure the high quality appearance of the development I have imposed a condition requiring the concrete block work to be rendered and painted. I have also imposed a condition relating to the use and retention of the garage to ensure adequate car parking spaces are provided within the site in the interests of highway safety.

Conclusion

21. For the reasons given above, and having had regard to all other matters raised, I conclude that the appeal should be allowed.

C L Humphrey

INSPECTOR