

Appeal Decision

Site visit made on 10 January 2017

by Andrew Owen BA(Hons) MA MRTPI

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

Decision date: 17 January 2017

Appeal Ref: APP/J3720/D/16/3157352

Millers Cottage, School Lane, Lower Brailes OX15 5HP

- 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 Mrs Claire Scard against the decision of Stratford on Avon District Council.
 - The application Ref 16/01204/FUL, dated 6 April 2016, was refused by notice dated 3 June 2016.
 - The development proposed is an open garage/car port in an off road parking area.
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Decision

1. The appeal is allowed and planning permission is granted for an open garage/car port in an off road parking area at Millers Cottage, School Lane, Lower Brailes OX15 5HP in accordance with the terms of the application, Ref 16/01204/FUL, dated 6 April 2016, subject to the following conditions:
 - 1) The development hereby permitted shall be carried out in accordance with the following approved plans: SCARD-PR-BP-01 Rev A and SCARD-PR-GA-01 Rev A.

Preliminary Matters

2. At the time of my site visit the construction of the development had already commenced with the floor and walls of the structure already in place, though the walls were not yet rendered as shown in the plans.
3. Since the Council's decision, the Stratford on Avon District Local Plan has been replaced by the adopted Core Strategy (CS). As such Local Plan Policies EF.13 and EF.1 referred to in the Council's decision no longer carry weight and CS Policies CS8, CS9 and CS11, also referred to in the Council's decision, can be given full weight. The appellant has been provided with copies of these adopted policies and I have determined the appeal in light of them.

Main Issue

4. The main issue is the effect of the development on the character and appearance of the Lower Brailes Conservation Area (LBCA) and the Cotswold Area of Outstanding Natural Beauty (CAONB).

Reasons

5. The LBCA encompasses the majority of the built up part of the village of Lower Brailes and some of the surrounding countryside. The village is generally a
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linear settlement focused along the High Street. The buildings in the LBCA are generally constructed of red brick or local stone. Indeed the CAONB is characterised by its limestone geology and the use of this material in its buildings as well as its tranquillity, landscape and architecture.

6. The dwelling at the site is perpendicular to the road with the front part being finished in red brick and the rear part being finished in stone. The other buildings in School Lane mostly are constructed of red brick or are rendered in a variety of light colours. To the rear and side of the site there is a field, and a barn constructed of red brick and black weatherboarding sits alongside the site, abutting School Lane. This contributes a rural character to the site's immediate context.
7. The proposal comprises a building with room to park three cars. One space would be within a gated garage whilst the other two would be open to the front and side. A slate, hipped roof would cover the whole structure.
8. There are few other garages in the street, but the adjacent barn is a prominent non-residential building in the street scene and on the other side of this barn from the appeal site, and somewhat hidden by the barn, there is a double garage. As such the development would not introduce an alien feature into the street.
9. Although there is a low stone wall along the front of the site, the structure would be clearly visible in the street scene. However it would be set further back from the road than most of the neighbouring buildings and would be of a height comparable to the adjacent barn and lower than the host dwelling. As such in terms of its scale and position it would not appear intrusive in the street scene. Also its simple design and rendered walls would mean the building would not detract from the appearance of the street scene, and the use of oak in the frame to the car port and doors of the garage would respect the site's rural character. Accordingly, I do not consider the development would be incongruous in its setting and so would preserve the character and appearance of the LBCA.
10. The structure would obscure views from the street of the rear part of Millers Cottage. However the front part of the dwelling would remain the most prominent building on the site and would continue to make a positive contribution to the street scene.
11. Paragraph 115 of the National Planning Policy Framework (the 'Framework') advises that great weight should be given to conserving landscape and scenic beauty in AONBs. The landscape of the CAONB would not be harmed by the proposal because of its relatively small scale and position within a row of existing development along School Lane. The design of the proposal has been carefully considered and would not be harmful to its context and therefore the scenic beauty of the CAONB would be conserved.
12. Consequently the development would accord with Policy CS9 of the CS which aims to ensure all development reflects the character and distinctiveness of the locality, Policy CS8 of the CS which seeks the protection and enhancement of heritage assets including conservation areas, and Policy CS11 which requires the conservation and enhancement of the special landscape quality and scenic beauty of the CAONB.

Conditions

13. In accordance with the advice in the Planning Practice Guidance and the Framework I have imposed a condition specifying the relevant plans, which indicate the finishing materials to be used, in order to provide certainty and protect the character and appearance of the area.

Conclusion

14. For the reasons given above, and taking account of all other considerations, I conclude that the appeal should be allowed.

Andrew Owen

INSPECTOR