

Appeal Decision

Site visit made on 5 January 2017

by G Powys Jones MSc FRTPI

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

Decision date: 23rd January 2017

Appeal Ref: APP/J3720/D/16/3163221

Cherington Cottage, Wimpstone, Stratford-Upon-Avon, CV37 8NS

- 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 Gill against the decision of Stratford-on-Avon District Council.
 - The application Ref 16/02174/FUL, dated 30 June 2016, was refused by notice dated 19 October 2016.
 - The development is described as retrospective planning application for the retention of the approved garden store (15/02347/FUL) with extension and log store.
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Decision

1. The appeal is dismissed.

Preliminary matters

2. As the description of the development implies, the garden store was previously granted permission. However, it has been extended without planning permission and a log store has also been added. The appellants, in effect, wish to retain the unauthorised elements of the development, as built. The Council, notwithstanding the description of the development provided in the application form, dealt with the application as referring only to the unauthorised extension and log store. I shall also proceed on this basis.
3. I was requested to view the completed development from a neighbouring property, Ashby's Farm House, which I did. When visiting Ashby's Farm House, I was shown to a point to the rear of Dorsington Cottage, from where I could clearly see the relationship between it and the appeal property.
4. Another appeal has been made in respect of the retention of a timber pergola at the property. This is the subject of a separate decision.

Main Issues

5. The main issues are the effect of the development:
 - (a) on the character and appearance of the host property and its surroundings, and
 - (b) on the living conditions of neighbouring residents, particularly those of Dorsington Cottage, by reference to visual impact and daylight.
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Reasons

6. The appeal property is one of several barns attractively and skilfully converted into dwellings, and set around a courtyard. The common areas are largely used for parking and circulation. The appellant's external space is raised slightly above the courtyard area, and a timber structure including trellising has been erected to cover and partly surround it. Part of this is roofed in what appears to be a corrugated polycarbonate material.
7. The approved garden store adjoins the pergola. This has been extended along the boundary separating the appeal property from Dorsington Cottage, and a log store added between the unauthorised extension and the appeal property's front elevation.
8. In respect of the approved garden store, the Council says:
'Although not a particularly large outbuilding, for its siting in a confined and enclosed courtyard, the siting of this outbuilding has an impact on the character and appearance of the courtyard.'
9. I agree, and consider the approved garden store to have had a significant impact on the previous openness of the courtyard. Whilst the appellant argues, in effect, that the extension has not made matters materially worse, I disagree. The extension has added bulk and reduced openness within a confined space and has harmfully affected the character and appearance of this attractive group of renovated and converted buildings.
10. As to the log store, I found that it was not used for its described purpose, and that it was a somewhat ramshackle affair created to fill the gap between the unauthorised garden store extension and the house. Whilst bona-fide log stores are not unusually found outside rural properties, this one appears to be an adjunct to the unauthorised extension. In itself, it has no great visual impact, but in combination with the unauthorised extension, it adds to the harm I have found.
11. I conclude that the unauthorised garden store extension and log store in combination have materially reduced openness and the legibility of nearby buildings and have subsequently harmed the character and appearance of their surroundings. A clear conflict arises with those provisions of policy CS9 of the Stratford-on-Avon District Core Strategy (CS) directed to ensure that development enhances sense of place and reflect local character and distinctiveness.

Living conditions

12. The boundary between the appeal property and Dorsington Cottage is comprised of a brick wall topped by timber fencing. The representations indicate that this was the case prior to the erection of the unauthorised extension, and the Council does not suggest otherwise.
13. Both the extended garden store and log store are sited independently of the boundary wall/fence, albeit marginally, and neither projects above it. Accordingly, I do not consider that the extension or log store could have reduced the level of sunlight reaching next door, and nor have the

unauthorised structures caused adverse visual impact for Dorsington Cottage's residents.

14. I conclude that neither the extension nor log store have materially affected neighbouring living conditions. Accordingly there is no conflict with those provisions of CS policy CS9 designed to protect the amenities of the occupants of neighbouring buildings.

Other matters

15. All the other representations made have been taken into account, including the comments made by the Whitchurch Parish Meeting, and local residents, not all of whom object. I note the allegations made in respect of a business use of the property. However, this is not a matter for me to consider within the ambit of this appeal, and I shall not therefore comment further.
16. I also note the references to other development plan policy, but that to which I have referred is considered the most relevant. No other matters raised are of such significance as to outweigh the considerations that led me to my overall conclusions set out below.

Overall conclusions

17. I find in favour of the appellant on the second main issue, that in respect of neighbouring living conditions. But I find against him on the other main issue, the effect of the unauthorised development on local character and appearance. This is sufficient reason to dismiss the appeal.

G Powys Jones

INSPECTOR