

Appeal Decision

Site visit made on 8 February 2017

by Elizabeth Lawrence BTP MRTPI

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

Decision date: 21 February 2017

Appeal Ref: APP/J0405/D/16/3163865

The Old Rectory, Church End, Adstock, Buckingham, MK18 2HY.

- 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 Helen Fenton against the decision of Aylesbury Vale District Council.
 - The application Ref 16/03094/APP dated 19 August 2016, was refused by notice dated 1 November 2016.
 - The development proposed is for the erection of a granny annex on site of existing tennis court within garden area and extension of existing internal gravel driveway to serve annex.
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Decision

1. The appeal is dismissed.

Main Issues

2. The first main issue is the effect of the proposal on the character and appearance of The Old Rectory (grade II listed) and Adstock Conservation Area (ACA). The second main issue is the effect of the proposal on the rural character and appearance of the surrounding area.

Reasons

Heritage assets

3. The Appeal site is located within the grounds of The Old Rectory which is a large 18th century dwelling set within large gardens which slope down from the main dwelling and have an informal parkland quality. Immediately to the east of The Old Rectory is St Cecilia's Church which is grade I listed. Both buildings are located on the western side of the ACA, which is a linear conservation area and which encompasses the older southern part of the village. The ACA is characterised by an eclectic range of buildings occupying varied sized plots and primarily constructed from clay tiles, slate, thatch, brick, stone and render.
 4. Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 (LBCA Act) requires that when assessing proposals for new development within a conservation area, special attention shall be paid to the desirability of preserving or enhancing its character or appearance. Section 66 of the LBCA
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Act similarly requires special attention to be paid towards the desirability of preserving or enhancing listed buildings or their settings.

5. Consistent with this, policies GP.9, GP.35 & GP.53 of the Aylesbury Vale District Local Plan 2004 (Local Plan) seek to preserve and enhance the character or appearance of listed buildings, conservation areas and their settings.
6. Section 12 of the National Planning Policy Framework (NPPF) states that when considering the impact of a development on the significance of a designated heritage asset great weight should be given to its conservation. Any harm requires clear and convincing justification, whilst opportunities for new development in conservation areas should be sought. Where a proposal would lead to less than substantial harm to a designated heritage asset, this harm should be weighed against the public benefits of the proposal.
7. The proposed timber framed annex would be timber clad and would have a fully hipped tiled roof. It would have the appearance of a large garden pavilion and would be largely screened from The Old Rectory and the ACA by planting, an existing building and the sloping topography of the site. It would be fully screened from the church and its grounds by The Old Rectory itself, various other buildings and hedges.
8. At the same time the proposed annex would be partially screened from the public right of way to the south and southwest and would not have a material impact on views towards The Old Rectory, the church and the ACA from the public footpath.
9. For these reasons I conclude on the first main issue that the proposed annex and associated driveway would preserve the character and appearance of The Old Rectory and the setting to St Celia's Church and the ACA. In these respects the proposal would therefore comply with policies GP.9, GP.35 & GP.53 of the Local Plan, Sections 66 & 72 of the LBCA Act and section 12 of the NPPF.

Character and appearance

10. Amongst other things policy GP.35 of the Local Plan requires new development to respect and complement the physical characteristics of the site and its surroundings. It should respect and compliment the natural features and qualities of the area and its effect on important public views and skylines. This is consistent with paragraph 58 of the NPPF. It states that development should reflect the identity of local surroundings; respond to local character and history and add to the overall quality of the area.
11. Notwithstanding its appearance of a large pavilion, the proposed annex would be the size and have the proportions of a small dwelling and would be served by its own access drive and presumably a parking area within the area of the existing tennis court. The building would be sited at the south western edge of the garden, which is visually and physically remote from the host dwelling and the main built up area of Adstock. The character of this part of the grounds to The Old Rectory is tranquil and rural and it forms an appropriate gentle transition between the main physical built up area of Adstock and the adjacent open countryside.

12. Although the annex would be occupied by family members and/or employees, its use would nonetheless be comparable to that of a small independent dwelling. The activities associated with the use of the annex would not be restricted to the building itself. The proposed access drive would facilitate access by cars, vehicle parking and there would likely be sitting out areas and potentially washing lines, refuse bins, etc.
13. Whilst the proposed annex would be screened from the southwest by a tall evergreen hedge, it would be visible from the public footpath to the south and southeast, where it would detract from the peaceful rural quality of the immediate area. The proposed scheme would have an urbanising impact on the site and its immediate setting.
14. This harm would outweigh the benefits for the Appellant and their family that would result from an additional ancillary domestic building and the removal of the existing tennis court. It is not a matter that could be adequately dealt with by condition.
15. Policy GP.11 of the Local Plan deals specifically with residential annexes. It states that outside the built up areas of settlements residential annexes should be attached to the host dwelling and be capable of being incorporated into the host dwelling. The supporting text to this policy advises that detached annexes will not be allowed in locations where permission for new dwellings would not be granted.
16. From the information supplied the Appeal site is located outside any defined built up area boundary. Whilst the site is in domestic use the grounds to The Old Rectory are primarily open and contribute to the gentle transition between the main village and the open countryside to the south and west. As a consequence the area in which the proposed annex would be sited does not have the character or appearance of previously developed land and is quite distinct from the clearly identifiable built up area of the village to the east.
17. Due to the historic and architectural importance of the host dwelling it is acknowledged that a freestanding annex would very likely be preferable to an extension to the existing dwelling. However, due to the isolated and rural character of the chosen siting for the annex and driveway, the harm that would be caused to the rural character and appearance of the locality would be unacceptable and contrary to policy GP.11 of the Local Plan, its objectives and paragraph 58 of the NPPF.
18. For these reasons I conclude on the second main issue that the proposal would seriously harm the rural character and appearance of the surrounding area contrary to policies GP.11 and GP35 of the Local Plan and the NPPF.

Conclusion

19. Whilst I have found in favour of the Appellant in relation to the first main issue, the conclusion on the second main issue amounts to a compelling reason for dismissing this Appeal.

Elizabeth Lawrence

INSPECTOR

