

Appeal Decision

Site visit made on 28 February 2017

by Stephen Hawkins MA MRTPI

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

Decision date: 15th March 2017

Appeal Ref: APP/Q3115/W/16/3162862
Rose Bank, Roke, Wallingford OX10 6JD

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission under section 73 of the Town and Country Planning Act 1990 for the development of land without complying with conditions subject to which a previous planning permission was granted.
 - The appeal is made by Mr R Milne against the decision of South Oxfordshire District Council.
 - The application Ref P16/S2318/FUL, dated 5 July 2016, was refused by notice dated 5 October 2016.
 - The application sought planning permission for demolition of existing dwelling, erection of new dwelling with detached garage building, closing up of two vehicular accesses and formation of single new vehicular access as amended by revised plans received on 3 February 2016 showing a reduction in the scale of the development and removal of side facing glazing and amended street elevation received on 29 February 2016 without complying with a condition attached to planning permission Ref P15/S3823/FUL, dated 4 March 2016.
 - The condition in dispute is No 2 which states that: "*The development hereby approved shall be carried out in accordance with the details shown on the following approved plans, 0.10A, 1.20A, 1.30B, 1.31A, 1.40B, 1.50D and 1.60E, except as controlled or modified by conditions of this permission*".
 - The reason given for the condition is: "*To secure the proper planning of the area in accordance with Development Plan policies*".
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Decision

1. The appeal is dismissed.

Main Issue

2. The appellant wishes to vary condition No 2 by substituting the drawing numbers reference ROS 0.10A, 1.20A, 1.50D and 1.60E referred to in the condition with drawing numbers reference ROS 0.10B, 1.15A, 1.20D, 1.50E and 1.60G, which show a proposed garage of revised design and scale. Therefore, the main issue in this appeal is whether condition 2 is necessary in its current form, having regard to the effect of the revised garage proposed on the character and appearance of the area.

Reasons

Character and appearance

3. The appeal site comprises a spacious plot currently occupied by a modest bungalow. It is located in the middle of a loose-knit group of three detached dwellings on the northern edge of the small, predominantly linear settlement of
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Roke. On the east side is an extended modern bungalow 'Harlequin', whilst to the west is 'Fairfield', a recently constructed two storey dwelling of substantial scale, occupying a very generous plot. The opposite side of the street is made up of dwellings of a variety of sizes, ages, architectural styles and materials. Some of the dwellings in the vicinity including 'Harlequin' as well as 'White Cottage' opposite, are sited quite close to the street. However, there is no consistent building line and on the whole, the dwellings are set well back from the street, in spacious plots containing mature trees, shrubs and hedge planting. These factors contribute significantly to the area's semi-rural character and appearance.

4. The substantial two storey dwelling approved by the Council under reference P15/S3823/FUL would be set well back from the street. The approved double garage would have been located alongside the new dwelling, adjacent to the boundary with 'Harlequin'. The front of the approved garage would have been sited broadly in line with the front of the new dwelling, thereby leaving a spacious, open front garden consistent with the character and appearance of the surroundings.
5. The proposed garage would occupy a similar location to the approved garage, but it would have a much larger footprint in order to provide space for a domestic store and workshop. The proposed garage would also be significantly higher and it would have a steeper roof pitch similar to that of the new dwelling, in order to utilise the space in the roof area to form a home office/games room. The above factors would give the proposed garage a substantial overall scale.
6. A significant proportion of the proposed garage would be sited forward of the new dwelling. Its ridge line would be well above both eaves levels of the new dwelling. Overall, it would be in the order of 1½ storeys in height. The front elevation would be broadly in line with the front of 'Harlequin' with the effect that approaching the appeal site from the east, the views of the proposed garage would be limited. However, the ridge line would be noticeably higher than the ridge of 'Harlequin'. Given the proximity to the boundary, the height of the proposed garage would therefore create a rather abrupt change in building heights in the street scene as opposed to achieving a smooth sense of transition between 'Harlequin' and the new dwelling. The above factors would emphasise the overall size and bulk of the proposed garage in the street scene. Therefore, whilst the proposed garage would not compete visually with the significant size and bulk of the new dwelling, it would not integrate well with it and 'Harlequin'.
7. Moreover, the presence of the substantial bulk of the proposed garage well forward of the new dwelling would significantly erode the otherwise open, spacious nature of the front garden, thereby creating a more built-up feel in the street scene, which would be entirely at odds with its existing semi-rural qualities. Due to the expansive frontage of the appeal site and 'Fairfield', the visual effects of the proposed garage would be apparent in the street for some distance in views along the street, particularly from the west. The existing trees and planting at the front of the appeal site and in neighbouring gardens and any additional planting proposed would only marginally soften the adverse effects identified above. The substantial scale of the proposed garage would be viewed above or between the planting, especially when it is sparser during the

- winter and early spring. The proposed garage would also be readily apparent from the gap in front of the access.
8. Whilst having the garage doors on the side of the proposed garage might enable an existing driveway to be grassed over, there would still be a large driveway and parking area for three cars in front of the new dwelling. Therefore, this would not achieve a significantly softer, more landscaped setting. Also, given my understanding that it has been present for some years and that it is surfaced in what appears to be a permeable material, removing the driveway is unlikely to have significant beneficial effect in respect of the health of the adjacent trees.
 9. The appellant has criticised the design of the approved garage, in particular its front facing doors and its comparatively shallow roof pitch. Even so, the approved garage would not cause the visual harm I have identified above. Consequently, it does not provide any support to the proposed garage in terms of a 'fallback' position that would have similar or greater visual harm.
 10. I acknowledge that 'Harlequin' has a detached double garage adjacent to the street. However, it is more modest in scale than the appeal scheme and is situated adjacent to two roads, with a slightly more built up feel in its immediate context. The garage recently permitted at 'Fairfield' would be comparable in scale with the appeal scheme and it would be slightly in front of the host dwelling. However, it would be sited much further away from the host dwelling than in the case of the appeal scheme. It would also be positioned much deeper in the plot, further away from the street. Consequently, neither of the above examples is directly comparable with the appeal scheme.
 11. I have also taken the garage block opposite the appeal site at 'Lime Tree Cottage' into account. However, on its own the existence of this block as well as some other garages in front of dwellings elsewhere in the street, would not be a good reason for allowing an otherwise unacceptable development. I have not been given any further details of the block opposite. The circumstances under which that block was erected may have been very different to those which apply to the appeal scheme. I also note that there was a garage at the front of the existing dwelling, adjacent to the street. However, that garage was demolished some years ago and it therefore no longer forms part of the built context. As a result, I have afforded these matters limited weight.
 12. Moreover, whilst I acknowledge that planning permissions have been granted in Roke for extensions, outbuildings and the redevelopment of existing dwellings with larger scale buildings since 2000, I saw no other developments having an impact on the street scene similar to that which the proposed garage would have.
 13. Consequently, I find that due to its scale the proposed garage would appear as an incongruous feature in the street scene, significantly eroding the existing semi-rural character of the locality and unacceptably harming the character and appearance of the area.
 14. Therefore, the proposed garage would not accord with saved Policy H13 of the adopted South Oxfordshire Local Plan 2011(LP), as its scale and design would not be in keeping with the character of the permitted dwelling and the appeal site and with the appearance of the surrounding area. The proposed garage would also not protect and reinforce local distinctiveness by respecting the

character of the settlement and providing good quality site and building design, thereby failing to accord with saved LP Policy D1. The proposed garage would also not accord with saved LP Policy G2, as it would not protect the settlement from adverse development and saved LP Policy G4, as it would not protect the countryside for its own sake.

15. Furthermore, the proposed garage would not accord with Policy CSQ3 of the adopted South Oxfordshire Core Strategy 2027, as it would not be of a high quality design that responds positively to and respects the character of the site and its surroundings and which enhances local distinctiveness and is of a scale appropriate to its setting.
16. The unacceptable harm to the character and appearance of the area that would be caused by the proposed garage would also be inconsistent with the National Planning Policy Framework core principles at paragraph 17, in which the securing of high quality design should always be sought and Section 7, which sets in more detail how the requirement for good design should be achieved.
17. Both main parties have made reference to the South Oxfordshire Design Guide (DG), which was adopted by the Council subsequent to the refusal of planning permission. Whilst it may be less prescriptive than the Council's previous guidance, the DG still requires garages and outbuildings to be of moderate size and scale and the illustrated example of a garage shows it set back behind the building line. For the reasons already set out above, I find that the proposed garage does not conform to the DG in this respect.

Other matters

18. Although it is slightly offset from the boundary with the appeal site, 'Harlequin' has two windows in its side elevation. The outlook from these windows is already limited, due to a high close boarded fence adjacent to the boundary. In any event, I am given to understand that one of the affected rooms serves a bathroom. Consequently, the proposed garage would not have an unacceptably harmful effect on the outlook enjoyed by the occupiers of that property. Even so, the absence of harm in this respect is a neutral factor. I have also considered the appellant's need for a home office. Nether matter affects my conclusions on the main issue.

Conclusion

19. The proposed garage shown on the submitted plans would have an unacceptable effect on the character and appearance of the area, it would not accord with the Development Plan and it would be inconsistent with the Framework. Consequently, it is necessary to retain condition No 2 on planning permission reference P15/S3823/FUL dated 4 March 2016 without the variation requested by the appellant.
20. For the reasons given above I conclude that the appeal should be dismissed.

Stephen Hawkins

INSPECTOR