



Appeal Decision

Site visit made on 13 March 2017

by G Powys Jones MSc FRTPI

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

Decision date: 27 March 2017

Appeal Ref: APP/Y3940/D/17/3168347

Fernclose, Newlands Green, Kington Langley, Wiltshire, SN15 5NZ

- 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 Jonathon Turner against the decision of Wiltshire Council.
 - The application Ref 16/10913/FUL, dated 7 November 2016, was refused by notice dated 3 January 2017.
 - The development proposed is a double storey extension, internal alterations and porch.
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Decision

1. The appeal is allowed and planning permission is granted for a double storey extension, internal alterations and porch at Fernclose, Newlands Green, Kington Langley, Wiltshire, SN15 5NZ in accordance with the terms of the application Ref 16/10913/FUL, dated 7 November 2016, subject to the conditions set out in the attached Schedule.

Main Issue

2. The main issue is the effect of the proposed development on the character and appearance of the host property and its surroundings.

Reasons

3. Reference has been made to a previous planning permission to extend the property (*Ref 16/02648, dated 17 May 2016*). Since this is a recent permission, it represents material consideration attracting considerable weight not least because it signifies a form of development considered acceptable to the Council.
 4. The pitched roofed appeal property stands towards the northern limits of the village. It has an attractive stone clad front elevation with symmetrical openings. Extensions to the rear include a flat-roofed two-storey structure and a lean-to. These detract from the character and appearance of the original host property.
 5. The dwelling at one time must have been relatively isolated, but modern development has crept up towards it on the eastern frontage of Day's Lane. The appeal property and the modern development are excluded from the boundaries of the Kington Langley Conservation Area (CA), but the green sward opposite the appeal property, which continues northwards, falls within the CA.
 6. The permitted scheme involved a side extension that would result in an elongation of the front elevation, and deep extensions to the rear, with three gables facing towards the garden. The appellant's revised scheme involves a
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similar depth of development behind the bulk of the original dwelling, but the existing front elevation would remain largely unchanged. In contrast with the permitted scheme, the side extension would be set back from the front elevation by between 4-5m. The fenestrated gabled end of the extension would face the road, and the side feature would extend further into the garden than the permitted scheme.

7. It appears that the appellant has reverted to the design originally proposed a year or so ago, but which drew objection from the Council. The appellant subsequently redesigned the scheme in accordance with the Council's advice. The permitted scheme, accordingly, represents the Council's rather than the appellant's preference.
8. The Council's concerns are centred on the side extension and its gable, described by its officers as '*overhanging*' to the side. In the officers view this feature does not respect or complement the existing character and form of the main house and would create an awkward intersection between the old and new elements of the building. Also of concern is the proposed front kitchen window, which is shown to abut the side wall of the original house. This is considered to be a poor arrangement in terms of both visual appearance and restricted outlook from the window concerned. The increased projection into the garden at the rear is also considered objectionable.
9. I share the Council's assessment on two important points. Firstly, that the dwelling derives most of its character from its attractive front elevation; secondly, that the dwelling and its front elevation is prominent in views from the south. The Council acknowledges a level of screening afforded by trees and vegetation when approaching along the country lane from the north. This is an effective screen, even when the trees are defoliated, as they were at the time of my visit. Viewed from the north, the dwelling could not be accurately described as prominent.
10. When viewed from most available vantage points to the south, the dwelling's front elevation would retain its integrity in the currently proposed scheme, and the proposed side extension, because of its set back nature, would be effectively screened by the bulk of the host property. In comparison, the permitted scheme would involve an elongation of the prominent front elevation resulting, in my view, in loss of symmetry and proportionality. Accordingly, I find the design of the current scheme to be preferable in this regard.
11. As to the kitchen window, I do not find the design objectionable, and in any event, it could only be seen from the very limited views available directly to the front. The plot in which the house stands, as the Council accepts, is sizeable and in my view is more than large enough to acceptably accommodate the proposed rear protrusion without a hint of overdevelopment. Finally, many of the village's older buildings within the CA are characterised by prominent gables. Accordingly, there is nothing unusual in the appellant's proposals.
12. I therefore conclude that the proposal would not harm the character or appearance of the host property, its surroundings or the setting of the CA. Accordingly, the proposal would not materially conflict with those provisions of policies 57 & 58 of the Wiltshire Core Strategy aiming to ensure that new development is well designed and sympathetic to the historic environment, and

to the objectives governing the protection of the county's designated heritage assets.

Conditions

13. The Council's suggested conditions have been considered. The suggested condition relating to materials is necessary in the interests of visual amenity.
14. Otherwise than as set out in this decision and conditions, it is necessary in the interests of certainty that the development shall be carried out in accordance with the approved plans.
15. So as to protect neighbouring privacy, the Council's suggested condition relating to the south facing first floor window shall be imposed.
16. In the interests of highway safety, both conditions suggested by the Council shall be imposed, albeit in a modified form to reflect existing site conditions.
17. The Council's proposed final condition relating to occupation has not been justified and is considered unnecessary. The application involves extensions to an existing dwelling, and the creation of a second dwelling would involve a material change of use requiring planning permission.

Other matters

18. All other matters raised in the representations have been taken into account, including the references to the National Planning Policy Framework and views of the Parish Council, which offered no objection. None is of such strength or significance as to outweigh the considerations that led me to my conclusions.

G Powys Jones

INSPECTOR

Schedule of Conditions

1. The development hereby permitted shall begin not later than three years from the date of this decision.
2. The materials to be used in the construction of the external surfaces of the development hereby permitted shall match those used in the existing building.
3. The development hereby permitted shall be carried out in accordance with the following approved plans: Drawings Ref Nos. 506/RE-AP/01; /02; /03; /07; /08; /09 & /11
4. Before the development hereby permitted is first brought into use the first floor window in the south elevation shall be obscurely glazed, and such glazing shall be retained in perpetuity.

5. Any access gates shall be set back 4.5 metres from the edge of the carriageway, such gates to open inwards only, in perpetuity.
6. No part of the development hereby permitted shall be brought into use until the turning area and parking spaces shown on the submitted plans are available for use. The areas shall be retained for those purposes at all times thereafter.