

Appeal Decision

Site visit made on 8 March 2017

by K E Down MA(Oxon) MSc MRTPI MRSB

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

Decision date: 28th March 2017

Appeal Ref: APP/C3105/D/17/3166431

March House, Main Street, Mollington, OX17 1BP

- 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 & Mrs G Finlay against the decision of Cherwell District Council.
 - The application Ref 16/02058/F, dated 9 October 2016, was refused by notice dated 22 December 2016.
 - The development proposed is erection of a replacement garage and garden store with home office over.
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Application for Costs

1. An application for costs was made by Mr & Mrs G Finlay against Cherwell District Council. This application is the subject of a separate decision.

Decision

2. The appeal is dismissed.

Main Issue

3. There is one main issue which is the effect of the proposed garage and garden store with home office over on the character and appearance of the site and the surrounding rural area.

Reasons

4. The appeal site comprises a large, well vegetated plot at the edge of the village of Mollington. It lies beyond the Mollington Conservation Area (CA) and adjacent to the open countryside to the west and creates a soft transition between the rural area and the built up areas of the village. March House is a large, modern dwelling located towards the eastern boundary of the appeal site, on land above the level of the proposed building and away from the rural area. Its roof is visible from the open countryside, on the approach to Mollington from the west, partially screened by a number of trees which are protected by a Tree Preservation Order (TPO).
 5. The proposed development comprises the replacement of a modest, single storey outbuilding with a substantially larger garage block that would incorporate a workshop, garden store and home office accommodation in the
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roof space. The proposed building would be of traditional design and materials. It would be located roughly on the footprint of the existing building but would extend to the south and east. Overall the footprint would be some three times the size of the existing outbuilding at about 132 m² and it would have a ridge height of about 6.5m, providing a further 50 m² of floor area in the attic space.

6. I agree with the Council that the proposed building would not harm the significance of the CA and also that, subject to appropriate working methods and protection during construction, the effect on the TPO protected trees would be acceptable.
7. The existing outbuilding is visible on the approach to Mollington from the west and also through the existing access. However, whilst of indifferent design, its modest scale and in particular its limited depth and height, ensures that it has little impact when viewed from the rural area and is seen as a small, ancillary structure within the curtilage of March House, absorbed into its wooded setting.
8. Turning to the effect of the proposed building, the side elevation of the workshop would lie close to the boundary with the open countryside, which is marked in part by a low stone wall and in part by a gappy hedge. It would be some 11.5m deep and 6.5m high at the ridge on the gable end. It would be clearly visible from the rural area, including the public highway approaching Mollington, over and through the boundary and the verge-side vegetation. It would be appreciably more noticeable than the existing building and would create a hard, built edge to the village where currently the transition between countryside and village is predominantly soft; its depth, height and proximity to the boundary would only emphasise the presence of significant built development.
9. On passing the access, the width of the proposed building would be clearly apparent. Whilst the existing building is also seen from this view and is of a similar width, the additional height of the proposed building, coupled with that width, would give it a scale comparable to that of a dwelling. This would exacerbate its harmful effect on the character and appearance of the village fringe and the open countryside beyond.
10. The Council is concerned that the proximity of the proposed building to March House, coupled with its scale, would result in a cramped appearance that would not appear subordinate to the main dwelling. However, although large, the outbuilding would be materially smaller and lower than March House and in my view the minimum separation of some 5m between the two structures and the offset alignment between them would ensure that the dominant character and appearance of March House was preserved.
11. The appellants argue that the traditional design of the proposed building and use of sympathetic facing materials would ensure that it sat discreetly within the site. However, although the design and materials would not be out of place in this rural area, their use would not overcome the harm resulting from the excessive scale of the building.
12. During the Council's consideration of the application revised plans were submitted (ref. 1648.04-A and 1648.06-A) showing a building on the same footprint but with a ridge height reduced by some 0.5m. I have had regard to these plans but consider that, notwithstanding the reduction in height to about

6m, the overall scale of the building would remain excessive, resulting in a dominant and incongruous structure, unsympathetic to its rural, village fringe setting.

13. The appellants draw my attention to a house opposite the appeal site, to the north. However, this building, whilst on an elevated site, is set well into its plot and cannot be seen on the approach to Mollington from the west owing to a substantial boundary hedge. It is not therefore readily comparable with the appeal proposal.
14. It is concluded on the main issue that the proposed garage and garden store with home office over would have a materially harmful effect on the character and appearance of the appeal site and the surrounding rural area. In consequence it would conflict with Policies ESD 13 and ESD 15 of the Cherwell Local Plan 2011-2031, saved Policy C28 of the Cherwell Local Plan 1996 and the National Planning Policy Framework which, taken together, expect new development to respect, complement and enhance the character of its context, including through recognising the intrinsic character and beauty of the countryside and responding to the local landscape character. This should be achieved through sensitive siting, layout and high quality design, such that new development contributes positively to an area's character, does not cause undue visual intrusion into the open countryside and does not harm the setting of settlements or the historic value of the landscape.
15. The appellants point out that there were no objections to the proposed building from third parties, including Mollington Parish Council and Oxfordshire County Council as Highway Authority. However, this would not amount to a reason to allow development that would materially harm the character and appearance of the area.
16. Finally, the appellants are critical of the Council's handling of the application and in particular an alleged lack of communication and the fact that an extension of time for the determination of the application was not agreed. It is further alleged that proper consideration was not given to the submitted amended plans. However, whilst raised in the main evidence, these matters are the subject of an application for costs and I will consider them fully in the context of that application. In any case, as reasoned above, I have found the proposal before me to be unacceptable.
17. For the reasons set out above and having regard to all other matters raised, I conclude that the appeal should be dismissed.

KE Down
INSPECTOR