

Appeal Decision

Site visit made on 22 March 2017

by Timothy C King BA(Hons) MRTPI

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

Decision date: 7 April 2017

Appeal Ref: APP/D3125/D/17/3168099

Chaundy Barn, 45 High Street, Ascott-under-Wychwood, Oxfordshire, OX7 6AW

- 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 Ms Susan Richards against the decision of West Oxfordshire District Council.
 - The application Ref 16/03058/HHD, dated 31 August 2016, was refused by notice dated 3 November 2016.
 - The development proposed is '*Retrospective application for replacement doors and windows to rear elevation and new oak pergola and balcony. Associated fencing.*'
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Decision

1. The appeal is dismissed insofar as it relates to the new oak pergola and balcony and planning permission is refused for this part of the proposal. The appeal is allowed insofar as it relates to the replacement doors and windows at both ground and first floor levels, the replacement fencing along the common boundary with No 43 High Street (Rose Cottage) and the proposed trellising to the wall of a rear garage. Planning permission is granted for this part of the proposal at Chaundy Barn, 45 High Street, Ascott-under-Wychwood, Oxfordshire, OX7 6AW, in accordance with the terms of the application Ref 16/03058/HHD, dated 31 August 2016, and the plans submitted with it, so far as is relevant to that part of the development hereby permitted, and subject to the following conditions:
 - 1) Installation of the trellising hereby permitted shall begin not later than three years from the date of this decision;
 - 2) The development hereby approved shall be carried out in accordance with the following approved plans; Drawing I.

Procedural Matters

2. The development at appeal is all retrospective save for a section of trellising proposed to the rear garage wall, which also formed part of the original planning application. I am required, however, to treat the whole development as a proposal rather than have regard to its mainly retrospective nature.
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3. The Council has only raised objections with regard to the rear pergola and associated balcony. I agree with this approach and I have, therefore, limited my assessment to the planning merits, or otherwise, of these two elements alone.

Main Issues

4. The main issues in this appeal are:
 - i) The effect of the proposal on the living conditions of neighbouring occupiers, with particular regard to those at the adjacent property, Rose Cottage;
 - ii) The effect of the proposal on the character and appearance of the both the host building and the surrounding area, with particular regard to the site's location within the Cotswolds Area of Outstanding Natural Beauty (AONB)

Reasons

Living conditions

5. The double-doors installed at first floor level open out onto a wooden platform which, connected with the pergola structure, serves as a balcony feature, with wooden railings, for the dwelling's occupiers. It appears of sufficient depth to allow for both persons to stand and sit out within. Given the balcony's rearward projection and its proximity to Rose Cottage I consider that the potential for overlooking into the property's rear garden is considerably more than would likely occur from persons periodically standing at a bedroom window and looking out to the rear garden, and maybe neighbouring gardens below. Moreover, despite the balcony's wooden, perimeter railings it has an rather open feel and this could easily lead to the occupiers of Rose Cottage, when using their garden, having the additional perception of being overlooked.
6. On this main issue I conclude that the development would be harmful to the living conditions of neighbouring occupiers and this would be in material conflict with the aims and requirements of Policies BE2 and H2 of the adopted West Oxfordshire Local Plan (ALP), Policies OS2 and H6 of the emerging, replacement West Oxfordshire Local Plan (ELP) and relevant advice within the National Planning Policy Framework (the Framework), all of which serve to safeguard, amongst other things, the amenities of existing and future occupiers that could be potentially affected by new development.

Character and appearance

7. The Council considers that the pergola and balcony combined are an incongruous addition to the property which detracts from the architectural profile of this former threshing barn which was converted to residential use some years ago. ALP Policy BE2 and also ELP Policy OS2 both require, amongst other things, that new development should be proportionate and appropriate to its context. I consider that the timber pergola feature which flanks the central balcony is a case in point and am satisfied that its modest form and appearance blends in with the building, now used for residential purposes, complying with this general requirement. Moreover, the

development cannot be seen from the public realm and the Council has failed to demonstrate how it would be detrimental to the wider Cotswolds AONB. Given the very limited scale of the development I am not convinced as to the Council's objection in this regard.

8. On this main issue I conclude that the proposal would not be harmful to the character and appearance of either the host building or the surrounding area. Accordingly, to this end I find no conflict with ALP Policies BE2 NE4, ELP Policies OS2, OS4 and EH1 or relevant advice within the Framework.

Conclusions and Conditions

9. Whilst I have found the development to be acceptable in terms of its physical appearance I consider the overriding issue in this appeal to be the resultant impact on the privacies of the neighbouring property. I have considered the appellant's suggestion as to the possibility of installing an opaque or solid privacy screen to the balcony's side but, in the absence of any firm proposal for such, I have concerns as to whether a screen could be satisfactorily emplaced without impacting on the host building's appearance and character. Given the privacy concerns and the design sensitivities I do not consider it appropriate to leave such a matter to condition in the hope of a resolution at some future date.
10. Due to its positioning and attachment I do not consider that the timber pergola and balcony are severable. Certainly, the submitted drawings would not suggest otherwise. As such, notwithstanding my findings, I am unable to regard the pergola, which in itself does not impinge on neighbour privacy, as a separate entity and include it as one of the elements in the proposal which I have found to be acceptable in planning terms.
11. For the above reasons, and having had regard to all matters raised, I conclude that the appeal should be allowed in part and dismissed in part. As regards conditions, in view of the development being largely retrospective, I have merely imposed the statutory time limit on the proposed trellising and made reference to the relevant drawing for the purposes of its future implementation.

Timothy C King

INSPECTOR