
Appeal Decision

Site visit made on 3 April 2017

by Zoe Raygen Dip URP MRTPI

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

Decision date: 20 April 2017

Appeal Ref: APP/Z2830/W/17/3167349

1A Duck End, Hinton in the Hedges, NN13 5NF

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission under sections 73 and 73A of the Town and Country Planning Act 1990 for the development of land carried out without complying with conditions subject to which a previous planning permission was granted.
 - The appeal is made by Mr M Page against the decision of South Northants District Council.
 - The application Ref S/2016/2753/FUL, dated 1 November 2016, was refused by notice dated 29 December 2016.
 - The application sought planning permission for detached dwelling at Duck End Hinton-in-the-Hedges Brackley without complying with a condition attached to planning permission Ref S/2013/0747/FUL, dated 7 August 2013.
 - The condition in dispute is No 2 which states that: The development shall not be carried out otherwise than in complete accordance with the approved plans drawing No P/12/0112/001/Rev C stamped as received by the Local Planning Authority on the 30th July 2013 and Drawing No P/12/0112/002 Rev C stamped as received by the Local Planning Authority on the 7th August 2013, unless a non-material amendment is approved by the Local Planning Authority under the Town and Country Planning (General Development Procedure) (Amendment No 3) (England) Order 2009.
 - The reason given for the condition is: To clarify the permission and for the avoidance of doubt.
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Decision

1. The appeal is allowed and planning permission is granted for a detached dwelling at 1A Duck End, Hinton in the Hedges, NN13 5NF in accordance with the application Ref S/2016/2753/FUL dated 1 November 2016, without compliance with condition number 2 previously imposed on planning permission Ref S/2013/0747/FUL, dated 7 August 2013 but subject to the other conditions imposed therein, so far as the same are still subsisting and capable of taking effect and subject to the new conditions 1 and 2 as detailed below.

Background

2. The Council granted planning permission for a house at the appeal site (S/2013/0747/FUL) subject to a condition requiring the development to be constructed in accordance with the approved plans. The house has been completed and contains a rooflight on the side west elevation together with a window at high level in the east elevation. Both elements are not included on the approved plans.
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3. The appellant submitted an application seeking to not comply with Condition 2 of planning permission S/2013/0747/FUL in this respect together with a proposal to include a further rooflight in the rear north elevation of the house. The application was refused by the Council.
4. At the time of my site visit I saw two rooflights in the front south elevation of the property. Both parties have confirmed that these are not part of the application the subject of this appeal.
5. Bearing the above in mind I consider that the main issue is the effect of the existing rooflight and upper window and the proposed rooflight on the character and appearance of the dwelling and the surrounding area.

Reasons

6. Hinton-in-the-Hedges lies within the open countryside. Within the vicinity of the appeal site there are mainly buildings constructed from local stone with slate roofs having a traditional appearance. The majority are two storey or one and a half storey in height. 1a Duck End is a two storey house constructed of local stone sited on the edge of the village in a prominent location adjacent to the open countryside. As a consequence it contributes positively to the local traditional character and appearance of the area.
7. The window in the east elevation of the property has been inserted higher than that approved so that the cill level is broadly in line with the eaves of the house. While the height of the property has not been increased from that approved, the higher level window gives the impression of three levels of accommodation within the house. Nevertheless, the east elevation is not particularly prominent from the adjacent main road through the village. Furthermore, it is screened by a large tree from Duck End.
8. The existing rooflight on the west elevation has more visibility, although it too is screened by a large tree. The same would be the case for the rooflight proposed on the north elevation. Again the rooflights give the perception of three levels of accommodation. However, I saw a number of examples of high level windows and dormer windows within the vicinity of the appeal site which also give the perception that buildings have various levels of accommodation, including up to three storey. Furthermore, there is a three storey property within Duck End.
9. I also saw a high number of rooflights on other buildings close to the appeal site. I accept that the majority are on single or one and a half storey buildings. Nonetheless, they do form part of the character of the area and therefore the proposal would not be unique or unacceptable in this respect.
10. The existing rooflight is of a conservation style that sits flush to the roof slates and as a result has limited prominence with the roof. Given its modest size it does not occupy a large proportion of the roof area. As a consequence it remains subservient in design and scale within the roof slope.
11. I have seen nothing to suggest that this could not be achieved in respect of the proposed rooflight on the north elevation. Such design detail could be secured through the imposition of a suitably worded condition. Accordingly, the alterations to the building do not and would not increase the prominence of No 1a. This, together with the perceived and real variety in heights of the buildings in the vicinity of the appeal site, means that the contribution of No 1a to the

traditional character and appearance of the area is not, and would not be, diminished by the alterations to the approved plans.

12. For the reasons above I conclude that the proposal is not and would not be harmful to the character and appearance of the dwelling or the surrounding area. It would therefore be in accordance with Policies G3(A), H17 and EV1 of the South Northamptonshire Local Plan 1997, Section 7 of the National Planning Policy Framework, Planning Practice Guidance (Design) and the Council's Planning Guidance Notes for Residential Design in the Countryside 1998. These require, amongst other things that development is of high quality design which reflects local distinctiveness and is compatible with the type, scale, siting, design and materials of the existing character of the locality and its surroundings.
13. The Council also refer to its Corporate Priorities within its decision, in particular, those relating to Protecting the District. However as I have found that the proposal would not be harmful to the character and appearance of the area then I do not consider that it would be contrary to the Council's Corporate Priorities in this respect.

Conditions

14. The guidance in the Planning Practice Guidance makes it clear that decision notices for the grant of planning permission under section 73 should also repeat the relevant conditions from the original planning permission, unless they have already been discharged. As I have no information before me about the status of the other conditions imposed on the original planning permission, I shall impose all those that I consider remain relevant. In the event that some have in fact been discharged, that is a matter which can be addressed by the parties.

Conclusion

15. Therefore for the reasons set out above, and having regard to all other matters raised, I conclude that the appeal should be allowed and a second planning permission is granted substituting a new condition for the disputed one and retaining the relevant non-disputed conditions from the previous permission as necessary given that the development is constructed and the length of time that has passed since the original planning permission.

Zoe Raygen

INSPECTOR

Conditions schedule

- 1) Prior to the installation of the rooflight to the rear north elevation details of its size, colour and fitting shall be submitted to and approved in writing by the local planning authority. The rooflight shall be installed in accordance with the submitted details and retained as such thereafter.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans: M1608/02 B, P/12/0112/001C
- 3) The parking space and turning area shown on plan ref M1608/02 shall be laid out, drained, surfaced and completed in accordance with details that have been previously submitted to and approved in writing by the Local Planning Authority before the dwelling is occupied and shall not thereafter be used for any purpose other than the parking/turning of private motor vehicles.
- 4) All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of the house or on the completion of the development, whichever is the sooner, and shall be maintained for a period of 5 years from the completion of the development. Any trees and or shrubs which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.
- 5) The proposed first floor window in the east elevation, facing No.1 Duck End, shall be obscure glazed and non-opening before the dwelling is first occupied and shall be permanently retained as such thereafter, unless parts of the window which can be opened are more than 1.7m above the floor of the room in which the window is installed.
- 6) The proposed first floor ensuite window in the rear north elevation shall be obscure glazed and non-opening before the dwelling is first occupied and shall be permanently retained as such thereafter, unless parts of the window which can be opened are more than 1.7m above the floor of the room in which the window is installed.
- 7) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking and re-enacting that Order with or without modification), no fences, gates or walls or other means of enclosure shall be erected, constructed or placed in front of the front wall of the dwelling and the highway or the flank wall of the dwelling at the junction of two roads at any time.
- 8) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking and re-enacting that Order with or without modification), no enlargement, alteration or improvement of the dwellinghouse shall be undertaken at any time.

- 9) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking and re-enacting that Order with or without modification), no building or structure shall be erected or placed within the curtilage of the dwelling hereby permitted.
- 10) Any electricity or gas supply meter housings to be located on the external elevations of the house hereby approved shall be sited on the side or rear elevations of the building and shall be coloured to match the stone.
- 11) No gates, barriers or means of enclosure shall be erected within 5.5 metres of the highway boundary. Any such feature erected beyond that distance should be hung to open inwards only. The gates shall be retained as such thereafter
- 12) The stone wall around the site shall be retained except for the provision of the means of access.