
Appeal Decision

Site visit made on 4 April 2017

by JP Roberts BSc(Hons), LLB(Hons), MRTPI

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

Decision date: 27 April 2017

Appeal Ref: APP/Y3940/D/17/3166866

Blakenys, The Street, West Knoyle, Warminster, Wiltshire BA12 6AG

- 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 Mrs S Osburn against the decision of Wiltshire Council.
 - The application Ref 16/07534/FUL, dated 2 August 2016, was refused by notice dated 19 October 2016.
 - The development proposed is the construction of a pitched roof and insertion of new doors and windows to an existing outbuilding in connection with the proposed use as an annex.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are:
 - i) whether the proposal would result in the creation of a separate single dwelling house, and
 - ii) the effect of the proposal on the character and appearance of the area, which lies within the Cranborne Chase and West Wiltshire Downs Area of Outstanding Natural Beauty (AONB).

Reasons

Whether the proposal would create a separate dwelling

3. The proposed dwelling would provide all of the facilities necessary to enable occupiers to live wholly independently of the house at Blakenys. However, this on its own is not conclusive as the judgement in *Uttlesford DC v Secretary of State for the Environment & White* [1992] makes clear – it is a matter of fact and degree. The appellant has explained in her grounds of appeal that the building is intended to be occupied by her son, who has special needs, enabling him to live as part of the family but with a degree of independence. The proposed dwelling would share the same access as the main dwelling, and there would be no separate curtilage. It would be very much smaller than the main house, and would be fairly close to it.
 4. Whilst I recognise that the building could be used as a separate dwellinghouse wholly independent of Blakenys, on the basis of the evidence before me, I consider that it could be realistically occupied as an annex, and in such circumstances it would be appropriate to prevent separate occupation by
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means of a condition limiting occupation for purposes ancillary to the residential use of the main dwelling.

5. Wiltshire Core Strategy (CS) Policy H33 deals with accommodation for dependent persons and provides that such proposals will be permitted in circumstances which include where the accommodation is created as a result of a conversion of an existing building within the curtilage of the main dwelling. A further criterion is that the occupation of the accommodation should be subject to a restrictive occupancy condition or, if outside a Housing Policy Boundary, Housing Restraint Area, Special Restraint Area or New Forest Housing Policy Area, is subject to the applicant entering into a legal agreement.
6. The proposal would be outside of the specific locations referred to in the policy, and thus the policy would require a legal agreement to be entered into. However, a condition would have the same effect as a legal obligation, and I see no reason as to why such control would not be effective in the same manner. Thus, the proposal would comply with the permissive approach of Policy H33, if not with the letter of the policy.
7. As an incidental dwelling, the Council's objections in respect of its general approach to new dwellings in the countryside and away from services and facilities do not apply here. I therefore conclude on the first main issue that the proposal would not result in the creation of a separate single dwelling and that it would not conflict with CS Core Policies 1 and 2, and although it does not strictly comply with CS Policy H33, it accords with the broad approach, subject to the imposition of a condition. CS Policy H31 deals with extensions to existing dwellings which is not wholly relevant to this proposal.

Character and appearance

8. The double garage is sited in a backland position to the rear of a range of outbuildings attached to Manor Cottage, which screen it from the road to the front of Blakeney's. However, it can be seen, albeit at a distance of some 125m or so, from the road adjacent the Church of St Mary the Virgin, and even more clearly from the higher ground within the churchyard and adjacent the southern door to the church.
9. The existing building is unusually tall for a garage as a result of the need to accommodate a large motorhome, and is somewhat akin to an industrial or agricultural building, at odds with the lower heights of the ancillary buildings elsewhere within the curtilages of Blakeney's and Manor Cottage. The proposal would increase its height even further, by an additional 1.6m, which would exacerbate the unusual and uncharacteristic appearance of the building.
10. The use of a zinc roof, whilst not on its own unacceptable in a rural location, would, together with an extensive area of glazing on the front elevation, make the building even more conspicuous by day, and at night the lighting would emphasise the residential use in a backland location which hitherto has been characterised by much lower key ancillary buildings, which are either unlit or would be lit only occasionally and in a more restrained manner than would be the case with large areas of glazing to the main living accommodation.
11. To my mind, the enlargement of the building in the manner proposed would add to the incongruity of the existing garage, and would appear as overly large and prominent. Its materials would exacerbate its noticeability. I consider

that this would be harmful to the restrained, mainly vernacular, architecture of the houses in the vicinity of the site, and would not provide the sensitive design to mitigate harmful landscape impacts that is sought by CS Core Policy 51. I consider that this would harm the character and appearance of the surrounding area, and have a small harmful effect on the natural beauty of the AONB. It would conflict with CS Core Policies 51 and 57, the latter dealing with high quality design.

Other matters

12. I have had particular regard to the benefit of providing the proposed accommodation for the appellant's son. However, I have not been provided with any information as to why such a large building, with two bedrooms, would be required, or whether the existing very large dwelling could be adapted to provide the level of independence which is sought. The harm that I have found is not outweighed by the personal circumstances of this case.
13. St Mary the Virgin Church is a Grade II* listed building, the grounds of which abut the garden area of Blakeney. Whilst I accept that the appeal building lies within the setting of the church, the existence of a strong residential presence in the form of Blakeney and its attached neighbour, means that the proposal would leave the setting unaffected.
14. I have also considered a neighbour's concerns about a bathroom window, but this does not add to my reason for dismissing the appeal.

Conclusion

15. The harm that I have found is sufficiently serious to amount to a conflict with the development plan as a whole, and for the reasons given above I conclude that the appeal should be dismissed.

JP Roberts

INSPECTOR