

Appeal Decision

Site visit made on 10 August 2017

by Gary Deane BSc (Hons) DipTP MRTPI

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

Decision date: 24 August 2017

Appeal Ref: APP/J1860/D/17/3176624
Kerswell House, Kerswell Green WR5 3PF

- 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 R Melling against the decision of Malvern Hills District Council.
 - The application Ref 16/01741/HOU, dated 25 November 2016, was refused by notice dated 3 March 2017.
 - The development proposed is the erection of a replacement outbuilding.
-

Decision

1. The appeal is allowed and planning permission is granted for the erection of a replacement outbuilding at Kerswell House, Kerswell Green WR5 3PF in accordance with the terms of the application Ref 16/01741/HOU, dated 25 November 2016 subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than three years from the date of this decision.
 - 2) The development hereby permitted shall be carried out in accordance with the following approved plans: Refs 3357-01/A, the Block/Site Plan and the Ordnance Survey Plan, which shows the site edged red.
 - 3) The building hereby permitted shall not be occupied at any time other than for purposes ancillary to the residential use of the dwelling known as Kerswell House, Kerswell Green WR5 3PF.
 - 4) The materials to be used in the construction of the external surfaces of the building hereby permitted shall match those used in the existing building known as Kerswell House.

Procedural matter

2. The application forms record that work has started on site and I saw that footings and walls of various heights were in place. The position of the footings and partly complete walls appeared to be broadly in accordance with the plans.

Main issue

3. The main issue is the effect of the proposed development on the character and appearance of the local area.
-

Reasons

4. Kerswell House is a mainly 2-storey detached dwelling that together with various agricultural and other buildings is beyond any recognised development boundary and is thus within the open countryside. Within such locations, development is to be strictly controlled with new development limited mainly to those listed in Policy SWDP 2 (part C) of the South Worcestershire Development Plan (DP). This list includes replacement buildings.
5. The proposal is to erect a single storey outbuilding with a footprint of comparable size and position to that of a glass house that previously occupied land to one side of Kerswell House, on the opposite side of a track that bisects the site. As the proposal would replace a former glass house that was demolished due to its poor condition and then partly rebuilt on the same site, it would constitute a replacement building. Therefore, the proposal would qualify as an acceptable form of development under DP Policy SWDP 2 (part C).
6. The character of the new outbuilding would be largely derived from its linear built form, use of traditional materials, regular pattern of fenestration and uncluttered roof slopes. In views from the land that immediately surrounds the site and the access track, the new outbuilding would stand comfortably within its rural setting because it would be modest in scale and mass, and appropriate in its general appearance. It would blend into the surrounding landscape, which is relatively flat and characterised by irregular shaped fields, hedges and trees, together with dispersed buildings.
7. With the use of external materials to match those of Kerswell House, which could be secured by condition, the new addition would also respect the character and qualities of the main house, with which it would be visually 'read'. From various vantage points immediately around the site, the proposal would appear as a typical domestic outbuilding next to an entrance drive and close to a substantial detached house in the open countryside. From what I saw, this arrangement is not an uncharacteristic feature of the local landscape.
8. In longer-range views from the access track on the westbound approach to the site only the narrow side elevations of the proposal would be evident, with the more substantial and taller flank wall of Kerswell House beyond. As these views would be from some distance, the scale and mass of the proposal would not be readily evident and its visual impact on the main house would not draw the eye. Existing buildings would largely screen the proposal on the approach to Kerswell House from the east.
9. When seen from the fields to the north and south of the site, the building would have a relatively long elevation and roof slope. Although taller than the glass house that previously occupied the site, the proposal would still be modest in height and thus keep a low profile in the landscape. Taken together with plain façades and roof slopes, the new outbuilding would have an unassuming presence in its rural setting. As the new addition would be visually contained within the group of buildings near to Kerswell House it would not represent a significant encroachment into the open countryside.
10. For these reasons, the new outbuilding would have an acceptable appearance. It would achieve a high standard of design and be in keeping with the domestic character of the site and the qualities and character of the rural landscape. In

other words, it would be compatible in its context. As such, the proposal would not be incongruous, overly prominent nor visually dominate the main house.

11. The Council is critical of the appeal scheme because it considers that the new outbuilding would not be subservient to the main house. It also states that the proposal would not be sited within the existing domestic curtilage of the main dwelling and would not be used for same purpose as the building that it would replace. However, these considerations form no obvious part of the policies cited by the Council in the reason for refusal nor has my attention been drawn to other relevant policies or guidance that refer to these particular requirements. Given my findings set out above, these are not matters that in themselves would justify withholding planning permission in this case.
12. To sum up, the modest scale, mass and appropriate design of the proposal would result in a development that would be sympathetic to the main house. Whilst the proposal would be visible within the landscape it would be viewed in the context of the existing domestic character of the site and stand comfortably in its rural setting. Furthermore, the use of the outbuilding as garages, gymnasium and as a garden room would be ancillary to that of Kerswell House, which could be secured by a condition.
13. On the main issue, I therefore conclude that the proposal would not cause significant harm to the character and appearance of the local area. Accordingly, it would be in accordance with DP Policies SWDP 2, SWDP 21 and SWDP 25. These policies aim to safeguard and, where possible, enhance the countryside and seek to ensure that development achieves a high design quality and integrates with its surroundings. It also adheres to the National Planning Policy Framework, which recognises the intrinsic character and beauty of the countryside and states that high quality design should always be sought.

Conditions

14. In addition to the standard time limit condition, I have imposed a condition specifying the relevant drawings and to require that the development be carried out in accordance with them as this provides certainty. To ensure the satisfactory appearance of the development, a condition is imposed to require that the external materials match those of the existing building.
15. I also consider that a condition ensuring that the outbuilding is used only for purposes ancillary to the residential use of the main dwelling is necessary in the interests of the character and appearance of the host building and the local area. The wording of this condition differs to that suggested by the Council to provide greater clarity.

Conclusion

16. For the reasons given above, I conclude that the appeal should be allowed.

Gary Deane

INSPECTOR