



Appeal Decision

Site visit made on 31 October 2017

by D Boffin BSc (Hons) DipTP MRTPI Dip Bldg Cons (RICS) IHBC

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

Decision date: 14th November 2017

Appeal Ref: APP/D3125/D/17/3180768

Broctun House, Street through Broughton Poggs, Broughton Poggs, Lechlade GL7 3JH

- 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 George Watkinson-Yull against the decision of West Oxfordshire District Council.
- The application Ref 17/01406/HHD, dated 28 April 2017, was refused by notice dated 22 June 2017.
- The development proposed is the demolition of an existing double garage, construction of a new double garage and garden store, with home office over including the extension of a boundary wall.

Decision

1. The appeal is allowed and planning permission is granted for the demolition of an existing double garage, construction of a new double garage and garden store, with home office over including the extension of a boundary wall at Broctun House, Street through Broughton Poggs, Broughton Poggs, Lechlade GL7 3JH in accordance with the terms of the application, Ref 17/01406/HHD, dated 28 April 2017, subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
 - 2) Unless required by the conditions below, the development hereby permitted shall be carried out in accordance with the following approved plans: 16.077.102, 16.077.PA01, 16.77.101
 - 3) No development shall commence until details / samples of the materials to be used in the construction of the external surfaces of the development hereby permitted have been submitted to and approved in writing by the local planning authority. The development shall thereafter be carried out in accordance with the approved details / samples.
 - 4) Notwithstanding details contained in the application, detailed specifications and drawings of all dormers, roof lights, external doors and external staircase at a scale of not less than 1:20, including details of external finishes and colours, shall be submitted to and approved in writing by the Local Planning Authority before that architectural feature is commissioned/erected on site. The development shall be carried out in accordance with the approved details which shall be retained thereafter.
 - 5) 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 Broctun House.

Preliminary Matter

2. The Council have referred to emerging policies within the West Oxfordshire Local Plan 2031(WOLP) and I have been provided with copies of the policies cited in the reasons for refusal. The parties are aware of, and have had the opportunity to comment on, this information and they are not therefore prejudiced by my consideration of it. It is incumbent on me to take into account the most relevant and up to date information in reaching a decision and I have therefore dealt with the appeal on this basis.
3. The WOLP appears to be at an advanced stage of preparation and I have no evidence to indicate that there are any outstanding objections to the relevant policies. Having regard to paragraph 216 of the National Planning Policy Framework (the Framework) I consider that substantial weight can be given to them.

Main Issue

4. The main issue is the effect of the proposed development on the character and appearance of the area with regard to its location within the Filkins & Broughton Poggs Conservation Area (FBPCA).

Reasons

5. The appeal site comprises part of the generous grounds associated with Brocton House. The dwelling is located in close proximity to a road junction and therefore there are roads alongside the front and one of the side boundaries of the garden. Vehicular access to the garages is and would remain from the gated entrance off the road to the side of the dwelling.
6. The site is within the FBPCA and section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the Act) requires that, in the exercise of planning powers in conservation areas, special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area. Paragraph 132 of the Framework advises that significance can be harmed or lost through alteration or destruction of the heritage asset.
7. From the details available to me and my observations I consider that the significance of this part of FBPCA is mainly drawn from the predominantly rural character and range of traditional buildings that it contains together with its use of materials, pattern of development and the relationship of buildings to the spaces around them.
8. The appeal proposal would involve the demolition of an existing double garage, the construction of a double garage and store with a home office over and a stone wall on the boundary. The proposed garage would be set back a considerable distance from the road to the side and would be adjacent to the boundary with the rear garden to Rose Cottage. The existing garage is appreciably closer to the road at the side and its gable wall faces that road.
9. The front of the proposed building would face the road at the side with the pitch of the roof sloping away from it. It would be viewed alongside the adjacent properties' outbuildings and the mature landscaping on the site. As such, even though it would be slightly taller and it would have a larger footprint than the existing garage it would be less prominent than it when viewed from the public domain. The dormers would introduce a more domestic element to the garage but there are outbuildings within the locality that have dormers and the garage doors reinforce its subservient character. Some of those existing outbuildings are also of similar bulk and massing to that of the proposal.

10. Consequently, I do not consider that the scale, position and design of the development would be seen as incongruous or that it would be unsympathetic to the character and appearance of the FBPCA. It follows that the proposal would preserve the character and appearance of the area including that of the FBPCA and its significance as a heritage asset. As such, it would meet the expectations of the Act.
11. Accordingly, the proposal would comply with Policies BE2, BE5 and H2 of the West Oxfordshire Local Plan 2011 and WOLP Policies OS4 and EH7. Together these policies seek development which, amongst other things, would be of high design quality, would respect and not erode the character of the surrounding area and would preserve the character and appearance of Conservation Areas. The development would also accord with Chapter 6 (Conservation Areas) of the approved West Oxfordshire Design Guide and section 12 of the Framework.

Other matters

12. The Council have referred to nearby listed buildings in its Officer Report and the FBPCA Appraisal indicates their locations. Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990, (the Act) requires the decision maker, in considering whether to grant planning permission for development which affects a listed building or its setting, to have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest.
13. The Council considers that given the position of the proposed outbuilding in relation to listed dwellings that there would not be significant harm as a result of the proposal. Based on my observations on site and my findings above I consider that the proposal would have a neutral impact and would therefore preserve the settings of the nearby listed buildings.

Conditions

14. I have considered the conditions put forward by the Council against the requirements of the Planning Practice Guidance (PPG) and the Framework. In the interests of conciseness and enforceability the wording of some of the conditions has been amended. In order to provide certainty as to what has been permitted I have imposed a condition specifying the relevant drawings.
15. In the interests of character and appearance, it is necessary to impose a condition requiring details of the external materials and the architectural features. In order to protect the living conditions of nearby occupiers a condition restricting the use of the building is necessary.
16. The PPG advises that care should be taken when using conditions which prevent any development authorised by the planning permission from beginning until the condition has been complied with. In the case of the pre-commencement condition, I consider that resolution of the matter specified to be so fundamental to the development that it would otherwise be necessary to refuse the application.

Conclusion

17. For the above reasons, and taking account of all other matters raised, I conclude that the appeal should be allowed.

D. Boffin

INSPECTOR