

Appeal Decision

Site visit made on 27 September 2018

by G Powys Jones MSc FRTPI

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

Decision date: 16th October 2018

Appeal Ref: APP/H1840/D/18/3201186

6 Mickleton Road, Honeybourne, Worcestershire, WR11 7PN

- 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 Stephen Bains against the decision of Wychavon District Council.
 - The application Ref 17/02332/HP, dated 14 November 2017, was refused by notice dated 21 March 2018.
 - The development is a freestanding carport.
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Decision

1. The appeal is dismissed.

Preliminary matters

2. The carport has been substantially completed. The appellant, in effect, wishes to retain that built and to apply the finishing touches. I shall proceed on this basis.
3. The description of the development set out in the original application form contains a justification for the development. Accordingly, I have utilised an abridged version in the banner heading above.

Main Issue

4. The main issue is the effect of the development on the character and appearance of its surroundings.

Reasons

5. The appeal property is a semi-detached dwelling set in a row of dwellings on the pleasant, semi-rural fringes of the village. It is set back from the highway and looks out on open fields. A carport has been erected in the dwelling's drive, forward of the dwelling's front elevation and its integral garage. Timber posts support a roof frame comprised of rough sawn timbers, and a clear polycarbonate roof covers the frame. Rainwater goods are also in place.
 6. Although the appellant thinks otherwise, I found the carport to be of a crude and utilitarian appearance, and share the Council's view that it appears incongruous in its erected position to the front of the house. I acknowledge that, thankfully, it is not too widely seen but it is nevertheless in clear view of
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neighbours and passers-by in close range views, and it considerably detracts from this semi-rural scene.

7. I conclude that the erection of the structure has harmed the character and appearance of its surroundings. Accordingly, a clear conflict arises with those provisions of policy SWPD21 of the South Worcestershire Development Plan (SWDP) directed to design, requiring development to complement the character of the area, to be appropriate to the setting of the site, and requiring materials to be of a high quality, appropriate to its context.

Other material considerations

8. I am required by law to determine this appeal in accordance with the provisions of the development plan, unless material considerations indicate otherwise. Certain other material considerations have been brought to my attention.
9. It is said that the existing integral garage is too small to accommodate the appellant's wife's car. That is probably the case but this, in itself, does not justify the erection of a structure harmful to local amenity, since sufficient parking space exists on the drive for more than one car.
10. The appellant has produced photographs illustrating examples of other development in the village, which he considers to be not dissimilar to his. The implication is that these developments should act as a precedent and/or that the Council has acted in a discriminatory fashion in refusing permission for his development. The appellant has not provided the full details of the illustrated development, particularly the addresses and the planning history. I am therefore unable to properly evaluate the issue of consistency in decision-making. Moreover, some of the development shown is not strictly comparable to the appellant's, and the photographs do not properly illustrate context. The illustrations do not therefore justify granting permission for a development clearly conflicting with the provisions of the development plan.
11. The appellant describes the nature of his wife's disability, and says:
'the carport was built to protect my wife from bird faeces dropped on to her car as birds flew off from the overhead cables situated above and across from the house, see photograph named overhead cables. The numbers of birds resting on the wires have increased considerably since the building of large housing estates in the village, which was previously open countryside. In the months leading up to the erection of the carport my wife had inadvertently touched bird faeces on the car door handle and became ill as a result. As the overhead wires cannot be moved the carport forms a protection to mitigate a further recurrence.'
12. The Council, in making its determination, is accused of failing to consider the implications of the need for the development in the light of his wife's disability and certain provisions of the Human Rights Act 1998.
13. In considering this matter I have taken account of the judgment in the case of *AZ v SSCLG and South Gloucestershire District Council* [2012] EWHC 3660. I acknowledge the nature of the disability and I can fully understand the appellant's concern for his wife's future health. However, I am not convinced that alternative means of protecting his wife's health when using her car have been fully explored or examined. Judging from what I saw, I consider that practical alternatives to erecting an unsightly carport would be available as a

means of protecting his wife from accidental contact with bird faeces that may be deposited on the car door's handle in the future.

14. In the circumstances, any interference with the appellant's qualified rights that arise from the dismissal of this appeal would be a proportionate approach to the well-established and legitimate aim to protect amenities and environment, recognized as an important function of Government.
15. The comments made by the Parish Council and local residents are noted, and I have already dealt with the main planning-related points raised. There is insufficient evidence for me to properly judge the issues of nuisance arising from glare and noise. As to surfacewater, the appellant intends to collect rain from the roof in a water butt, albeit that it is not yet in place.
16. All other matters raised in the representations have been taken into account, but no other matter or material consideration is of such strength or significance as to outweigh the considerations that led me to my conclusion on the planning merits of this case, based on my judgment in applying development plan policy.

G Powys Jones

INSPECTOR