



Appeal Decision

Site visit made on 23 July 2019

by Stephen Hawkins MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 6 August 2019

Appeal Ref: APP/Q3115/C/18/3216019

Land at Cwm Gwyn, Hill Bottom, Whitchurch Hill, Reading RG8 7PT

- The appeal is made under section 174 of the Town and Country Planning Act 1990 as amended by the Planning and Compensation Act 1991.
- The appeal is made by Mr Richard Shepherd of RSolve Ltd against an enforcement notice issued by South Oxfordshire District Council.
- The enforcement notice was issued on 3 October 2018.
- The breach of planning control as alleged in the notice is without planning permission the construction of a garage.
- The requirements of the notice are: (1) Demolish the garage and remove from the land all materials resulting from such work.
- The period for compliance with the requirements is six months.
- The appeal is proceeding on the grounds set out in section 174(2) (a) of the Town and Country Planning Act 1990 as amended.

Summary of Decision: The appeal is dismissed and the enforcement notice upheld.

Preliminary Matter

1. The enforcement notice specifies the precise boundaries of the land to which it relates, as required by Regulation 4 (c) of the Town and Country Planning (Enforcement Notices and Appeals) (England) Regulations 2002. The plan attached to the notice shows the affected land edged in red. The garage is located within the red edged area. The actual position of the garage differs slightly from the approximate position shown hatched blue on the plan. However, there is no requirement for the notice to identify the precise location of the garage. The appellant can be in no doubt that it is the garage that is attacked by the notice. Consequently, the position of the garage shown on the plan has not created uncertainty.

Ground (a) appeal

Main Issue

2. The main issue in this appeal is the effect of the garage on the character and appearance of the surrounding area, which is within the Chilterns Area of Outstanding Natural Beauty (AONB).

Reasons

Character and appearance

3. The dwelling occupying the appeal site forms part of an established row of dwellings set in generous sized plots. Although the dwellings differ in terms of their appearance and size, they are set back similar distances from the lane, they have comfortably sized open front gardens and their frontages consist for

the most part of dense mature shrub planting and trees. The above factors lend consistency to the pattern of local development and give the environs of the site spacious and semi-rural qualities. Grass verges between the frontages and the lane together with the absence of pedestrian footways reinforce the rural feel. The site and surroundings are within the 'Chilterns Plateau with Valleys Landscape Character Area' in the South Oxfordshire Landscape Character Assessment, key characteristics of which include small villages, narrow lanes and tall hedgerows. Therefore, the character and appearance of the surrounding area has attributes that contribute positively to the landscape and scenic beauty of this part of the AONB.

4. The garage is situated in the front garden of the dwelling. It is immediately behind a dense Laurel hedge running along the frontage and is adjacent to a mature Maple tree. The height and thickness of the hedge assists in screening a good part of the garage from the lane. This would continue to be the case in future, provided the hedge is maintained at its current height and thickness.
5. However, being close to the lane the garage is a visible built feature in the environs of the site entrance, significantly eroding the sense of openness at the front of the dwelling and creating a more built-up feel. Additionally, due to its siting the garage is not well related to the dwelling or neighbouring properties- such siting of garages is typically found in a suburban context. These factors are therefore entirely at odds with the prevailing pattern of development in the vicinity. Although the garage has timber walls similar to part of the dwelling and hard and soft landscaping works have been undertaken in the front garden, these matters do not appreciably offset the visual harm caused. Therefore, the garage is viewed as an alien feature and it has an unacceptably harmful effect on the character and appearance of the surroundings.
6. According to the appellant, excavations for the garage did not adversely affect the roots of the frontage hedge or the tree. When I visited the site, there were little obvious signs that any frontage planting was declining in health. I appreciate that the garage was erected over two years ago and that Laurel is generally a reasonably robust plant species. However, there is no firm evidence to show that recognised good practice for protecting trees was taken into account in the siting of the garage or that the planting was safeguarded accordingly during construction. Given the proximity of the garage to the planting and the significant changes in ground levels within the site, it is likely that some planting roots were encountered during construction. I am also mindful that adverse effects on the health of planting through damage to root systems may only become apparent over a long period.
7. Therefore, I cannot be assured that the future health of the frontage planting has not been adversely affected by the garage. A significant decline in the health of this planting would erode the contribution it makes to local character. It would take a long time for any new planting to have a similar visual contribution. Potentially, this would also result in the garage being more open to public view, thereby compounding the visual harm identified above.
8. I am aware that the Council granted planning permission for erecting a garage in the front garden of the dwelling in January 2016¹. The accompanying drawings show the permitted garage as similar in size and external appearance to the garage in this appeal. However, the permitted garage would have

¹ Council Ref: P15/S3494/HH

occupied a materially different position within the site; it would have been well related to the dwelling, set back a considerable way from the lane. It would also have been sited away from the site entrance and the frontage planting. I am given to understand that the presence of services above and below ground constrained erection of the permitted garage. Nevertheless, building in accordance with the 2016 permission would have avoided the visual harm associated with the garage in this appeal.

9. The garage is materially similar in terms of its siting, dimensions and external appearance to a proposal for a temporary wooden garage at the site dismissed at appeal in 2015². In that appeal, the Inspector made similar findings to those above in respect of the harm to the character and appearance of the surroundings. Recent erection of a replacement dwelling at a neighbouring property has not significantly altered the character of the area. I have already explained why the garage in this appeal differs materially in terms of visual impact from the permitted garage. As there has been no material change in circumstances in the intervening period since the above appeal decision, the previous Inspector's findings should be afforded significant weight.
10. Although I acknowledge that there are garages and sheds in a few neighbouring front gardens, those structures are generally of some age. No information has been provided as to whether planning permission was granted for those structures or what planning policies would have applied at the time. None of the structures reflect the overall pattern of local development or make a positive contribution to the local character.
11. Reference was also made to other examples of garages in nearby residential gardens. The Oak framed garage at Boleyn Cottage is not closer to the lane than its host dwelling. Another nearby garage does not appear to have been the subject of a planning application but in any event, it is on a planned modern residential estate with a suburban character. In addition, two cases where the Council have granted planning permission in recent years for erection of large garages were referred to. However, in the absence of full details of those developments it is difficult to make an informed comparison with the garage in this appeal. In any event, those garages are in different villages and therefore they do not have similar surroundings.
12. I understand that the appellant restores classic cars as a hobby. In the absence of a garage there could be a transporter or a car under repair in front of the dwelling, visible from the street. However, this is likely to be an occasional or temporary situation while the visual harm caused by the garage in this appeal would be permanent.
13. Overall therefore, the garage has unacceptably harmed the character and appearance of the surrounding area in this part of the AONB. This does not accord with Policy CSEN1 of the South Oxfordshire Core Strategy (CS), as the AONB has not been conserved. The garage does not accord with CS Policy CSQ3, as it does not respond positively to and respect the character of the site and its surroundings. Also, the garage does not accord with saved Policy G2 of the South Oxfordshire Local Plan (LP), as the environment has not been protected from an adverse development. The garage does not accord with saved LP Policy D1, as it does not protect local distinctiveness through respecting the existing settlement pattern. Furthermore, the garage does not

² Ref: APP/Q3115/D/14/2229455.

accord with criterion in saved LP Policy H13, as it is not in keeping with the site and the appearance of the surrounding area.

14. The South Oxfordshire Design Guide was adopted as a Supplementary Planning Document (SPD) in 2016, superseding an earlier version. The garage does not adhere to SPD design principles at section 6, as it does not respond to and reflect the character and appearance of the area and the street scene or maintain established building lines. Whilst the Council also referred to policies in the Chilterns AONB Management Plan 2014-2019 (MP), it was not made clear whether those policies remained in force in an updated version of that document. Therefore, I shall afford the MP policies little weight.

Other matters

15. I acknowledge that there has been a small-scale sustainability benefit, in terms of the re-use of spoil from ground works within the site and a reduction in surface water run-off, in comparison with the permitted garage. I have also taken account of third party representations raising no objection to the garage. Ultimately however, these matters carry little weight.

Conclusion

16. For the reasons given above I conclude that the appeal should not succeed. I shall uphold the enforcement notice and refuse to grant planning permission on the deemed application.

Formal Decision

17. The appeal is dismissed and the enforcement notice is upheld. Planning permission is refused on the application deemed to have been made under section 177(50) of the 1990 Act as amended.

Stephen Hawkins

INSPECTOR