



Appeal Decision

Site visit made on 16 July 2019

by Matthew Woodward BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 09 August 2019

Appeal Ref: APP/J0405/W/19/3228247

2 Old Coal Yard, Stewkley, LU7 0FT

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a failure to give notice within the prescribed period of a decision on an application for planning permission.
 - The appeal is made by Mr and Mrs Dormer against Aylesbury Vale District Council.
 - The application Ref 18/02611/APP, is dated 24 July 2018.
 - The development proposed is described as 'the erection of a car port, a single storey side/rear extension to create a garden room and single storey rear extension to create a boot room.'
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Decision

1. The appeal is allowed and planning permission is granted for the erection of a car port and a single-storey rear extension to create a boot room at 2 Old Coal Yard, Stewkley, LU7 0FT in accordance with the terms of the application, Ref 18/02611/APP, dated 24 July 2018, subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
 - 2) The development hereby permitted shall be carried out in accordance with the following approved plans: CYD18-20-Rev B, CYD18-21-Rev A.
 - 3) No above ground work on the extensions shall take place until details of the materials to be used in the construction of the external surfaces of the extensions hereby permitted have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.

Procedural Matters

2. The appeal results from the Council's failure to determine the planning application within the prescribed period. There is no formal decision on the application, as jurisdiction over that was taken away when the appeal was lodged. However, I note the assessment and conclusions submitted in the Council's statement and I have treated those as the basis of the decision the Council would have made, had it been empowered to do so. The Council is principally concerned by the effect that the proposed development would have on the character and appearance of the area. I have drawn on the Council's concerns, together with other evidence before me, to inform the main issue in this appeal.

3. During the course of the planning application the appellant submitted amended plans, but they did not accompany the appeal. I have since been provided with a copy of the amended plans, which the Council confirm formed the basis of their appeal statement. I am satisfied that, as the amended plans omit a proposed side and rear garden room extension, and provide a relatively minor alteration to the roof form of the proposed car port, these alterations would not prejudice interested parties. I have accepted the amended plans and decided the appeal on this basis.
4. As a result of the foregoing, it necessitates a change to the description of development in order to remove any reference to the 'garden room'. I have therefore, decided the appeal based on a revised description as detailed under the 'decision' section above.
5. I have not been provided with a copy of any relevant saved policies associated with the current development plan.

Main Issue

6. The main issue is the effect of the development on the character and appearance of the area and whether it would preserve or enhance the character or appearance of the Stewkley Conservation Area.

Reasons

7. The appeal site is located along a cul-de-sac (the Old Coal Yard) which is accessed from Dunton Road and serves several properties. The appeal property comprises a detached red-brick dwelling which is a relatively recent construction. It lies within the Stewkley Conservation Area (CA).
8. There is a duty imposed by Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requiring decision makers to have special regard to the desirability of preserving or enhancing the character or appearance of a CA. I have not been provided with a copy of a Conservation Area Appraisal but based on my site visit, and the evidence before me, I consider that the significance of the CA derives, in part, from the presence of a number of attractive period properties which front Wing Road and Dunton Road and provide a strong building line and sense of enclosure.
9. The set-back position of the appeal dwelling relative to Dunton Road and Wing Road means that views of it from these streets are limited, and the position of the car port on the southern side of the appeal dwelling would be equally unobtrusive. Even though the proposed car port would be visible from the Old Coal Yard and from the rear of several properties in the area, it would be set to the side, and slightly behind, the front elevation of the appeal dwelling. It would be modest in width and height and would feature a pitched roof design with timber framing. Its rustic appearance would be in keeping with the appeal dwelling and the vernacular character and local distinctiveness of the CA.
10. There is a detached double garage in between the appeal dwelling and the adjacent lying property to the north, which is prominent in views from the Old Coal Yard. The car port, on the other hand, would be open sided and situated in a more discreet position relative to the street. Its permeability would reinforce its subservience to the appeal dwelling and reduce its prominence in the street.

11. A relatively large gap exists between the appeal property and No 3 the Old Coal Yard, and whilst the proposed car port would slightly reduce the space between the two, it would be clearly read as a subservient and component part of the appeal dwelling. Both the appeal dwelling and No 3 would be appreciated as separate properties, thus the development would not lead to a terracing effect or otherwise unacceptably close the gap between the two properties.
12. Neither main party raises any objection to the proposed rear boot room. I find that it would preserve the character and appearance of the CA due to its small scale and appropriate design, and it would be barely visible from any of the surrounding streets due to its position relative to the appeal dwelling.
13. For the foregoing reasons, the development would preserve the character and appearance of the area and the CA. As a result of its design and location, it would not harm the significance of the CA, in accordance with paragraph 193 of the National Planning Policy Framework (the Framework). The development would accord with paragraph 127 of the Framework as it would be sympathetic to local character and history as a result of good architecture, and add to the quality of the area.

Other Matters

14. Concerns raised regarding potential overlooking of a neighbouring property have been addressed by the amended plans which have removed the side and rear garden room from the proposal. Given the scale and design of the proposed rear boot room extension, there would be no unacceptable impact on the living conditions of nearby occupants.

Conditions

15. I have attached the standard time-limit condition and a condition requiring the development to be undertaken in accordance with the approved plans. A further condition is attached requiring the submission of details of materials, in the interests of the preservation of the character and appearance of Stewkley Conservation Area.

Conclusion

16. Having had regard to all matters raised, the appeal is allowed.

Matthew Woodward

INSPECTOR