



Appeal Decision

Site visit made on 5 April 2019

by Rebecca Thomas MRTPI

an Inspector appointed by the Secretary of State

Decision date: 16th August 2019

Appeal Ref: APP/J0405/D/19/3220948

The Stables, Brackley Road, Westbury, Buckinghamshire NN13 5JN

- 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 Dr Sebastian Lucas against the decision of Aylesbury Vale District Council.
 - The application Ref 18/00675/APP, dated 19 February 2018, was refused by notice dated 31 October 2018.
 - The development proposed is described as insert a window into south facing wall of a bedroom for light; double-glazed, ht 91cm, width 108cm, manufactured by Allan Bros Ltd (Berwick). Colour – grey-green, matching other house windows.
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Decision

1. The appeal is allowed and planning permission is granted to: Insert a window into south facing wall of a bedroom for light; double-glazed, ht 91cm, width 108cm, manufactured by Allan Bros Ltd (Berwick). Colour – grey-green, matching other house windows at The Stables, Brackley Road, Westbury, Buckinghamshire, NN13 5JN in accordance with the terms of the application, Ref 18/00675/APP, dated 19 February 2018, and the plans submitted with it, 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 external surfaces of the development hereby permitted shall be constructed to match the existing windows in the dimensions, materials and colours as described in the application.

Procedural Matter

2. The description of development in the heading above has been taken from the planning application form although I have omitted the superfluous description. In Part E of the appeal form it is stated that the description of development has not changed but nevertheless, a different wording has been entered. Neither of the main parties has provided written confirmation that a revised description of development has been agreed.
3. There is no elevation plan provided with the appeal documents and as such the description of development confirms the size of the window. Accordingly, I have used the description given on the original application. This is different to that included on the Council's decision notice, however I consider it is important to include the detail shown for the purposes of clarity.

4. Notwithstanding the limited plans, the appellant has confirmed that the proposed window would be constructed from materials to match those of others in the dwelling. I have therefore based my assessment on what I have seen during my site visit and do not consider that this affects the position of either party.

Main Issue

5. The main issue is the impact of the proposal on the character and appearance of the building.

Reasons

6. The proposal is to insert a window in a side wall of an existing dwelling, previously converted from agricultural buildings. The site is set within a wider area of converted agricultural buildings and I saw on my site visit nearby development to provide new dwellings being carried out. The wall faces a private garden area associated with the dwelling. Beyond the boundary fence are other more traditional dwellings of varying ages and their associated parking and garden areas. The immediate area, whilst rural, typically displays a residential character overall.
7. Whilst the application information is limited, the size, colour and type of window proposed is made clear. I was able to see one window close to the proposed location for the new window on the same wall. This part of the building is single storey with one window and one rooflight.
8. The proposed location of the window is not easily seen from the public domain. The simple form proposed, to match the existing windows on the building, would not inherently harm the character or appearance of the converted stable building. The materials to match would ensure a suitable appearance. One additional window in this elevation would not cause harm to the overall character of the building.
9. I have had regard to the policies of the Aylesbury Vale District Local Plan 2004 (AVDLP) in particular policies RA11, GP9 and GP35. Policy GP35 expects that the design of new development should respect and complement (amongst other things) the building tradition, form and materials of the locality and the historic context of the setting. Given the small scale of the proposal, the materials to match and the simple form proposed, the development accords with this policy in these regards and would not harm the historic scale and context of the setting. Policy RA11 is more relevant to the conversion of a building. I consider that, as the conversion has already taken place, this policy affords limited weight to my decision, with the exception the requirement that conversion works should respect the character of the building and its setting. Policy GP9 is relevant to residential extensions and as such I have applied limited weight to this policy in my decision.
10. I have also had regard to the Council's supplementary design guide The Conversion of Traditional Farm Buildings 1990 (SPG). The SPG states a desire to retain the simplicity of the original and continue to look like a farm building, saying that the preference is for new windows on the 'inside' elevations away from public view. It also goes on to say that any additional windows should copy existing patterns.

11. The insertion of this single window would be simple in form and design and would not be within public view. Whilst the majority of windows at the dwelling face into the courtyard, in this case this does not necessarily preclude the insertion of the proposed window. Additionally, it is proposed that the window is to match the existing and as such would copy existing patterns. In this respect, the proposal would accord with the SPG.
12. In conclusion, the insertion of the window on the outside facing wall would in part be contrary to the guidance within the SPG. Nonetheless, I have found that there would be no actual harm to the character or appearance of the building as a result of the insertion of the window, nor to the historic context of the building. The SPG is a material consideration, but it does not have the same statutory basis as Supplementary Planning Documents. Given that I have found no harm as a result of the development, I afford limited weight to the technical conflict with this guidance in making my decision. In this case, the proposal would not conflict with the design aims of the SPG overall and would retain the character and appearance of the building.
13. I have also taken into account the National Planning Policy Framework 2019 (the Framework) which seeks to achieve well-designed places, including that development should be sympathetic to local character and history, while not preventing or discouraging appropriate change. The proposed window would not adversely affect the inherent character and appearance of the converted stable building. The proposed development would accord with Policy GP35 of the AVDLP and the Framework. Having regard to the statutory duties, the proposal would not affect the character and appearance of the adjacent Westbury Conservation Area or the adjacent listed building.
14. I have imposed the standard condition relating to the commencement of development. In the interests of the character and appearance of the appeal property, a condition is necessary requiring the use of matching materials. Subject to the imposition of these conditions, and for the reasons given above, I conclude that the appeal should succeed.

Rebecca Thomas

INSPECTOR