



Appeal Decision

Site visit made on 6 November 2019

by S Leonard BA (Hons) BTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 20th November 2019

Appeal Ref: APP/L1765/D/19/3235660

Buffles, 56 Kilham Lane, Winchester SO22 5QD

- 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 and Mrs D O'Connell against the decision of Winchester City Council.
 - The application Ref 19/01042/HOU, dated 10 May 2019, was refused by notice dated 19 July 2019.
 - The development proposed is extensions to include: new entrance, first floor extension over existing garage, rear first floor extension over kitchen, attic conversion including new gable to front elevation, internal alterations and refurbishment including new windows and fenestration changes. New detached single storey garage/store to the front garden and modifications to drive and parking to allow turning on site.
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Decision

1. The appeal is allowed and planning permission is granted for extensions to include: new entrance, first floor extension over existing garage, rear first floor extension over kitchen, attic conversion including new gable to front elevation, internal alterations and refurbishment including new windows and fenestration changes. New detached single storey garage/store to the front garden and modifications to drive and parking to allow turning on site at Buffles, 56 Kilham Lane, Winchester SO22 5QD in accordance with the terms of the application, Ref 19/01042/HOU, dated 10 May 2019, subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than three years from the date of this decision.
 - 2) The development hereby permitted shall be carried out in accordance with drawing nos. 867:001, 867:100, 867:011, 867:012, 867:101, 867:110, 867:111, 867:200, 867:201, 867:203, 867:210, 867:211, 867:212, 867:213, 867:300, 867:310 and Ordnance Survey Location Plan licence no. 0100031673.
 - 3) The materials to be used in the construction of the external surfaces of the extensions to the dwelling hereby permitted shall match those used in the existing building.
 - 4) No development shall commence upon the construction of the detached garage hereby permitted until details of the materials to be used in the construction of the external surfaces of the walls and doors of the garage 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 Matter

2. The only point of difference between the parties relates to the effect of the proposed detached garage on the character and appearance of the area. I do not disagree with the Council's view on the other elements of the appeal proposal or their stance about the impact of the garage on the living conditions of the occupiers of neighbouring properties.

Main Issue

3. The main issue is the impact of the detached garage on the character and appearance of the area.

Reasons

4. The appeal property is a detached, two-storey, hipped roof house. It is set back from the street, within a deep, maturely landscaped plot. Vehicular access is from Kilham Lane, and serves an attached double garage at the side of the house. The site lies within a low density suburban residential area comprising detached houses in large plots, which are generally set well back from the road, with a roughly regular building line, behind maturely landscaped frontages. This part of Kilham Lane has a rural character, with residential development on the east side of the road and open countryside on the opposite side. The road is narrow, has no footpaths, and is edged by mature hedging, shrubs and trees, which predominantly screen the houses on the east side of the road in views from the street.
5. The appeal property and the neighbouring detached house at No.54 are located near a slight bend in the road, in a location which is noticeably more open than the narrow, more heavily vegetated, enclosed character of the road to the north and south. This 'point of emergence' in the road is recognised by both parties, and is due to several factors, including a gated vehicular access opposite the appeal site, through which there are views to the open fields beyond, and the vehicular accesses to Nos. 54 and 56, which are separated by a wide grass verge. Consequently, unlike the majority of the houses in this part of the road, which are largely obscured in views from the street by frontage vegetation, the appeal property and No.54, can be clearly seen from the road via the aforementioned accesses and grass verge.
6. The proposed garage building and widened driveway and turning area to serve it, would replace part of the grassed front garden area of the appeal site. Due to its proposed footprint, height and position at the front of the site, the garage would be visible from the road. However, this would mainly be when approaching the site from the southeast, since the existing mature hedging along the appeal site frontage and along the side boundary with No.58 would largely screen the garage in views from the road when approaching the site from the north. Furthermore, the proposed shallow pitch to the rear part of the roof and its green roof design, with only a small slated element at the front, would aid the visual assimilation of the garage into its landscaped surroundings.
7. In addition to being largely screened in views from the street, the garage would be subservient in scale to the main dwelling. I find that, within the context of the immediate locality of Nos. 54 and 56, where residential built form is readily

- apparent within the street scene, the proposed garage would not harm the character and appearance of this part of Kilham Lane.
8. In making this assessment, I have had regard to permission Ref 12/00628/FUL, as a result of which there is extant permission in perpetuity for a detached garage in the front garden of No.54. If built, this would be viewed within a similar context to the appeal scheme garage, and would have a similar degree of impact on the street scene as the appeal proposal, albeit it would be visible when approaching from the opposite direction (north) and would be screened in views from the southeast by frontage and side boundary landscaping. I do not find that the appeal scheme garage would have a materially harmful impact on the street scene whether built alone, or in conjunction with the extant garage scheme at No.54.
 9. Both parties have referred to the option of amending the garage element of the appeal scheme. Notwithstanding any discussion that may have taken place between the parties in this respect during the determination of the planning application, I have not been provided with any amended drawings to replace those of the refused scheme. The planning appeals procedural guidance¹ (Annexe M) confirms that, if an appeal is made, the appeal process should not be used to evolve a scheme, and it is important that what is considered by the Inspector is essentially what was considered by the local planning authority, and on which interested people's views were sought. Accordingly, I have determined the appeal on the basis of the scheme which was refused by the council and have not considered the merits or otherwise of amending the scheme.
 10. Having regard to the above, I conclude that there would be no demonstrable harm to the character and appearance of the area. The appeal proposal would accord with Policies WT1 and CP13 of the Winchester District Local Plan Part 1 – Joint Core Strategy 2013, Policies DM1, DM15 and DM16 of the Winchester District Local Plan Part 2 – Development Management and Site Allocations 2017, and the High Quality Places SPD 2015, in so far as these policies and guidance seek to ensure that new development is of a high quality design and responds positively to the character, appearance and variety of the local environment in terms of its design, scale and layout.

Conditions

11. I have considered the Council's suggested conditions in accordance with Paragraph 55 of the National Planning Policy Framework and the national Planning Practice Guidance. In addition to the standard implementation condition, it is necessary to define the plans in the interests of certainty, and ensure that the external materials of the development are appropriate, in the interests of the character and appearance of the area. In the case of the latter, the appellant has confirmed, on the planning application form, that the materials for the external surfaces of the extensions would match those of the main dwelling. However, no details have been confirmed in respect of the walls and doors of the detached garage. I have dealt with the conditions accordingly.

¹ Procedural Guide. Planning Appeals – England. The Planning Inspectorate August 2019.

Conclusion

12. For the above reasons, I conclude that the appeal should succeed, and planning permission be granted subject to conditions.

S Leonard

INSPECTOR