



Appeal Decision

Site visit made on 18 February 2020

by David Murray BA (Hons) DMS MRTPI

an Inspector appointed by the Secretary of State

Decision date: 06 March 2020

Appeal Ref: APP/J0405/D/20/3246304

Stableyard Cottage, Blackthorn Road, Marsh Gibbon, Bicester, OX27 0AG.

- 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 R & L Broad against the decision of Aylesbury Vale District Council.
 - The application Ref. 19/03519/APP, dated 27 September 2019, was refused by notice dated 18 November 2019.
 - The development proposed is the erection of an oak 3 bay garage with log store; kitchen extension; and hipped roof alteration.
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Decision

1. The appeal is dismissed insofar as it relates to the additions of a kitchen extension and a hipped roof alteration. The appeal is allowed insofar as it relates to the garage and planning permission is granted for the erection of an oak 3 bay garage with log store at Stableyard Cottage, Blackthorn Road, Marsh Gibbon, Bicester, OX27 0AG, in accordance with the terms of the application, Ref.19/03519/APP, dated 27 September 2019, and the plans submitted with it, so far as relevant to that part of the development hereby permitted, and 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 construction of the three bay garage shall not exceed ground level until samples/details of the materials proposed to be used on the external surfaces of the development have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out using the approved materials unless otherwise agreed in writing by the Local Planning Authority.
 - 3) The garage/car port hereby permitted shall not be used or occupied for any purposes other than as ancillary to the residential use of the property on the site, currently known as Stableyard Cottage.
 - 4) The development hereby permitted shall be carried out in accordance with the following approved plans: Drawing No. AOB-0107, dated 02/07/2019.

Main Issues

2. The main issue is the effect of the proposed development on the character and appearance of the host property and its countryside setting.

Reasons

Background

3. The appeal site comprises a single storey mainly stone building and accompanying land which lies in a small group of similar single storey and two storey buildings in open countryside. It is apparent that the buildings have been converted to 5 dwellings. It is proposed to add an extension to the side of Stableyard Cottage; replace the existing storm porch with a new porch with a pitched roof (hipped roof alteration); and erect a three bay garage outbuilding on land to the east.

Policy context

4. The development plan includes saved policies in the Aylesbury Vale District Local Plan (AVDLP) adopted in 2004. The Council is also preparing the Vale of Aylesbury Local Plan (VALP) and following its Examination, Main Modification to the Submission Plan were published in October 2019. In terms of the policies most relevant to the appeal, C1 and BE2, I will have regard to the modified policies and these should be afforded significant weight in view of the advanced stage that the VALP has reached in the formal plan making process.
5. Supplementary Planning Guidance in the form of Design Guide 2- Conversion of Traditional Farm Buildings (Adopted in 1990) and Design Guide – Residential Extensions (1991) are also material considerations as supplementary planning guidance (SPG).

Effect on character and appearance

6. It is clear to me from the planning history that the existing dwelling was a conversion of a former outbuilding permitted in 1998/2000. The applicable policy in the AVDLP, RA11, indicates that the architectural character of the original building should be retained. Moreover, VALP Policy C1, as proposed to be modified, indicates that proposed extensions should be modest in scale, subordinate and in keeping with the building's rural character.
7. The existing cottage is a modest stone building of a simple unbroken and linear form, and the rendered extension at one end continues this architectural form. In contrast, the proposed extension would involve building out on a flank. This would result in an alien feature which, because of its scale and projection, would not be visually subordinate and would be at odds with the original form of the building. Although it is proposed to use different external materials and fenestration, these would not overcome the overall visual effect that the original character of the host building would be lost. I appreciate that the proposed extension would face towards the internal garden space around the building and not to the public realm, but it is the retention of the character of the original building itself that is important.
8. In terms of the proposed replacement porch this would be small in scale but nevertheless the form of the structure with a pitch roof would break the simple horizontal eaves line of the present building and would not respect it in the way that the present porch does.
9. On the basis of the design and form of the proposed extension and porch, I find that these new features would not respect the original form of the host building but would significantly harm its character. This part of the proposal therefore

- conflicts with the provisions of saved policy RA11 and emerging Policies BE2 and C1 of the VALP and the guidance set out in the Design Guides.
10. I have taken account of the appeal decision APP/J0405/A/01/1076616 made in 2002 which relates to the neighbouring Jodds Barn where a single storey rear extension was permitted. However, I have not been able to place much weight on this decision as it predates the present development plan, although not the SPG, and I have considered the present proposal in the current policy context and on its individual merits.
 11. Turning to the proposed three bay garage, this would be sited on the edge of the courtyard complex and it would be screened from the wider countryside to the east by trees and a hedge. Although 9m long, the building would be single storey and have a simple rural form mainly constructed in timber. I note that the Design Guide indicates that parking and garaging for a residential conversion should be concealed as far as possible. In this case I find that the 3 bay garage would be of an appropriate design and the form and scale of the structure proposed would not be out of character with the general context of the group of buildings. The structure would not be seen from the public realm along the gap formed by the access to the site or be imposing in the wider rural landscape seen from the open fields to the east.
 12. On this part of the development proposed I find that the 3 bay garage meets the requirements of saved Policies GP.35 of the AVDLP and the emerging Policies BE2 and C1 of the VALP. This accord is not outweighed by any consideration and this indicates that the appeal on this aspect should be allowed.
 13. In terms of conditions the Council recommends standard ones on the commencement of the development and details of the external materials to be submitted and agreed with the Council. These are reasonable and necessary and I will impose the latter in order to maintain the appearance of the area. However, I will amend the condition to ensure that it is not a 'pre-commencement' one which may hold up development. Further, the Council requests a condition to restrict the use of the building to purposes ancillary to the residential use of Stableyard Cottage. This is also reasonable and necessary to ensure that the garage is not developed in other ways which may not accord with the development plan or may harm the amenity of the area. I will therefore impose this condition. Finally, as I am issuing a split decision, I will impose a condition that makes it clear what plan is approved.

Conclusion

14. For the reasons given above I conclude that the appeal should be allowed in part and dismissed in part.

David Murray

INSPECTOR