



Appeal Decision

Site visit made on 28 January 2020 by Andreea Spataru BA (Hons) MA

Decision by Chris Hoult BA(Hons) BPhil MRTPI

an Inspector appointed by the Secretary of State

Decision date: 11th March 2020

Appeal Ref: APP/B3030/D/19/3240307

Grange Barn, Newark Road, Caunton, NG23 6AE

- 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 & Mrs Thomas against the decision of Newark & Sherwood District Council.
 - The application Ref 19/00848/FUL, dated 30 April 2019, was refused by notice dated 8 August 2019.
 - The development proposed is described as "a first-floor extension, over the existing footprint which is currently single storey height to give the elevation a balanced and symmetrical appearance".
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Decision

1. The appeal is dismissed.

Appeal Procedure

2. The site visit was undertaken by an Appeal Planning Officer whose recommendation is set out below and to which the Inspector has had regard before deciding the appeal.

Preliminary matters

3. An application for costs was made by Mr and Mrs Thomas against Newark & Sherwood District Council. This application is subject of a separate decision.
4. The original proposal has been amended during the application process. I shall consider the development based on the amended plans on which the Council has issued its decision notice.

Main Issue

5. The main issue is the effect of the proposal on the living conditions of the occupiers of neighbouring property 'Lavender House', with particular regard to outlook.

Reasons for the Recommendation

6. Grange Barn is a two-storey, pitched-roofed, detached dwelling located within the Caunton Conservation Area and within the setting of Caunton Grange listed building. The appeal dwelling faces the drive shared with the neighbouring property 'Lavender House'. The neighbouring dwelling has its principal elevation facing the side gable of Grange Barn, which has the first floor
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- element well set back from their shared boundary. The ground floor of the appeal dwelling extends to the shared boundary with 'Lavender House'. This single storey part, which accommodates a dining room/utility and garage, has a catslide-type roof that slopes down to the shared boundary.
7. The proposal includes a first-floor extension above the existing dining area, which would follow the existing ridge line, and a first-floor element above the existing garage, which would be set back from the front elevation of the host dwelling and set down from the main ridge line.
 8. 'Lavender House' sits within close proximity to the appeal site and has a hardstanding area between its principal elevation and their shared boundary. This dwelling has several windows facing the side gable of the appeal dwelling. The main concern is about the impact of the development on the nearest window to the front of the site, which is at the ground floor level, and on the private open space to the front of 'Lavender House'. The Council indicates that this window is serving a kitchen. This is not contested by the appellants.
 9. The Council's policies do not offer specific guidance with regard to separation distances and the main parties agreed that the assessment of the proposal in this instance is a matter of planning judgement. Policy DM5 of the Newark & Sherwood Allocations & Development Management DPD requires that the layout of development within sites and separation distances from neighbouring development should be sufficient to ensure that neither suffer from an unacceptable reduction in amenity, including overbearing impacts.
 10. The development would not increase the footprint of the host dwelling and therefore would not reduce the distance between the appeal property and 'Lavender House'. However, the first-floor extension would add significant mass to the side of dwelling. It would not only involve a main ridge height of 7.7m on ground which is slightly raised from the level of the neighbouring dwelling (stepping down to 7.2m above the garage) but it would also present a blank elevation to it unrelieved by any articulation or elements of detailing. The increased massing would make the dwelling considerably more substantial and thereby more dominant, particularly when viewed from the ground floor window of the neighbouring property. When combined with the height of the ridge relative to it and the blank elevation presented, this would make for an oppressive outlook from inside and just outside it, with consequent harm to the living conditions of occupiers.
 11. Given the current use of the open space to the front of 'Lavender House' as a parking area, I consider that the impact of the extension on this space would be limited. Notwithstanding this, there is nothing before me to suggest that it cannot be used as amenity space in the future.
 12. I note the appellants' various suggestions, including design variations for the first-floor side gable and the discussion regarding a hipped roof, but these adjustments to the design are not before me in this appeal.
 13. Accordingly, I conclude that the appeal development would result in harm to the living conditions of occupiers of neighbouring property 'Lavender House', with regard to outlook. Consequently, the development would conflict with Policy DM5 of the Newark & Sherwood Allocations & Development Management DPD with regard to amenity considerations.

Other matters

14. Whilst the proposal would provide additional accommodation and facilities for occupiers, it would more importantly for the appearance of the building have the benefit of introducing balance and symmetry to its principal elevation. However, this benefit does not justify the harm that I have identified.
15. The Council found that the proposal would not have a harmful impact on the Caunton Conservation Area or the setting of the listed building. Given the scale and siting of the proposal, I am satisfied from all I have seen and read that it would have a neutral impact on the significance of these heritage assets and their setting. Accordingly, it would meet the requirements of S66(1) and S72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 which require me to pay special attention to the desirability of preserving or enhancing the character or appearance of the conservation area and preserving the setting of the listed building.

Recommendation

16. For the reasons given above and having had regard to all other matters raised, I recommend that the appeal should be dismissed.

Andreea Spataru

APPEAL PLANNING OFFICER

Inspector's Decision

17. I have considered all the submitted evidence and the Appeal Planning Officer's report and on that basis the appeal is dismissed.

C M Hoult

INSPECTOR

Costs Decision

Site visit made on 28 January 2020 by Andreea Spataru BA (Hons) MA

Decision by Chris Hoult BA(Hons) BPhil MRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date:

**Costs application in relation to Appeal Ref: APP/B3030/D/19/3240307
Grange Barn, Newark Road, Caunton, NG23 6AE**

- The application is made under the Town and Country Planning Act 1990, sections 78, 322 and Schedule 6, and the Local Government Act 1972, section 250(5).
 - The application is made by Mr & Mrs Thomas for a full award of costs against Newark & Sherwood District Council.
 - The appeal was against the refusal of planning permission for the proposed development described as "a first-floor extension, over the existing footprint which is currently single storey height to give the elevation a balanced and symmetrical appearance".
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Decision

1. The application for an award of costs is refused.

Procedure

2. An Appeal Planning Officer has set out the recommendation below, to which the Inspector has had regard before deciding the application.

Reasons

3. The Planning Practice Guidance (PPG) advises that, irrespective of the outcome of the appeal, costs may be awarded against a party who has behaved unreasonably and, thereby, caused the party applying for costs to incur unnecessary or wasted expense in the appeal process.
 4. The Guidance also makes it clear that costs cannot be claimed for the period during the determination of the planning application although all parties are expected to behave reasonably throughout the planning process. Although costs can only be awarded in relation to unnecessary or wasted expense at the appeal or other proceeding, behaviour and actions at the time of the planning application can be taken into account in determining whether or not costs should be awarded.
 5. The appellants indicated an intention to apply for costs in their grounds of appeal and also repeat their reasons for doing so in a separate dedicated application. The Council has not responded.
 6. The appellants consider that there were three instances where the Council's behaviour was unreasonable. Firstly, the appellants indicate that the Council gave specific direction to them that a design change to step the building back 1m would be sufficient to allow permission to be granted.
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7. There is a record of a discussion that resulted in the agreement to reduce the width of the extension by 1m, and I note that the appeal statement indicates that there was an email from the officer to confirm this. However, there is no record of the officer having said that this amendment would secure planning permission and the email does not form part of the evidence before me. The claim to this effect first appears on 12 July 2019.
8. Thus, the available evidence does not support such a claim and in any event, an informal opinion expressed or inferred in the course of discussions cannot be taken as a commitment. The fact that the amendments made to the original proposal as a result of the planning officer's suggestions were not sufficient to make the development acceptable from the Council's perspective, does not demonstrate unreasonable behaviour. As such, I cannot reach the conclusion in this case that the Council acted unreasonably in this regard.
9. Secondly, it is said that the Council did not provide sufficient notice to allow the agent to attend the planning committee meeting, thus there was no opportunity to present the case from the appellants' perspective. I concur with the appellants that the Council should have given adequate notice regarding the details of the planning committee meeting. However, there is no evidence before me to demonstrate that an opportunity to present the case to the committee would have resulted in planning permission being granted for the development. I note, from the minutes of the committee meeting, that the vote was 11 to 2 to refuse planning permission, which seems to me a conclusive majority. Therefore, I cannot reach the conclusion in this case that the Council acted unreasonably in this regard.
10. Lastly, it is claimed that the Council did not exercise their development management responsibilities in a proper manner. The appellants acknowledge within the appeal statement that the planning officer has worked collaboratively with them during the application process. In addition, the Council determined the application against the relevant policy and successfully defended their decision through the assessment outlined within the case officer report.
11. It seems to me that in spite of lengthy discussions aimed at reaching an acceptable proposal, ultimately, the appellants and the Council disagreed as to its merits. To my mind, those matters were unlikely to be resolved during the application process and thus could only be dealt with at appeal. I acknowledge that the appellants may be aggrieved that, in spite of these discussions, the proposal was recommended for refusal and duly refused but that was not on account of unreasonable behaviour on the Council's part. No unnecessary or wasted expense has therefore been incurred in making the appeal.

Conclusion

12. With the above in mind, I find that the Council has not acted unreasonably and thereby caused the applicant to incur unnecessary or wasted expense. A claim for costs, either in whole or in part, is not therefore justified and accordingly it is hereby recommended for refusal.

Andreea Spataru

APPEAL PLANNING OFFICER

Inspector's Decision

13. I have considered all the submitted evidence and the Appeal Planning Officer's report and on that basis the application for an award of costs is refused.

C M Hoult

INSPECTOR