
Appeal Decision

Site visit made on 18 March 2020

by John Morrison BA (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 24 March 2020

Appeal Ref: APP/Y2810/D/20/2346838
30a Ashley Lane, Moulton NN3 7TJ

- 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 T Shea against the decision of Daventry District Council.
 - The application Ref DA/2019/1002, dated 18 November 2019, was refused by notice dated 20 January 2020.
 - The development proposed is described as proposed new garage and alterations to existing house.
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Decision

1. The appeal is dismissed insofar as it relates to the proposed new garage and entrance gates. The appeal is allowed insofar as it relates to the proposed alterations to the existing house and planning permission is therefore granted for alterations to existing house at 30a Ashley Lane, Moulton NN3 7TJ in accordance with the terms of the application, Ref DA/2019/1002, dated 18 November 2019, 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 three years from the date of this decision.
 - 2) Development shall be carried out in accordance with approved Drawing 2 so far as it is relevant to the development hereby permitted.
 - 3) The materials to be used in the construction of the external surfaces of the development hereby permitted shall match those used in the existing building.

Main Issue

2. The main issue is the effect of the proposed development on the character and appearance of the area.

Reasons

3. The appeal site is an area of hard surfacing to the front of No 30a Ashley Lane, a two storey detached hipped roof dwelling with an integral garage accessed by a lean to forward projecting single storey extension. The front boundary is mostly open to the highway edge, the two sides formed by close boarded timber fencing and a mature hedge. The street scene is characterised by

mainly detached dwellings in a linear form, set back from and facing the road with deep and undeveloped frontages that reinforce a sense of spaciousness to the area. The appeal scheme comprises three elements. These are the garage, a set of entrance gates and the conversion of the existing integral garage to a living room. Works that also include a reconfiguration of the entrance hall and a fifth bedroom on the ground floor.

4. The erection of the proposed garage would introduce built form of a not insignificant scale to the front of the plot. In a street scene of open and undeveloped frontages with development set quite far back it would exist as an obvious and somewhat out of place feature, reducing the spacious feel of the area. The existing hedging would screen it to a point, but it would still be noticeable in views from the opposite approach. In any case I do not subscribe to the notion that unacceptable development could be made acceptable by hiding it. The erection of the garage, given the context I have described, would be harmful to the character and appearance of the area.
5. For the above reasons, the appeal scheme would be contrary to saved Policies GN2 and EN42 of the Local Plan¹. Together, and amongst other things, these policies seek to ensure that new development is of a type, scale and design in keeping with the locality that blends well with the site and its surroundings. There would also be conflict with paragraph 130 of the Framework² which states, amongst other things, that permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area.
6. The sufficiency of the aforementioned policies under which to consider the appeal scheme aside, I note the Council's reference to Policy H1 of the Neighbourhood Plan³. On my reading of this policy however it appears to be more concerned with residential development (new dwellings) with an inference that it considers such on small scale infill sites. I therefore remain to be convinced it is directly relevant to the proposed development. The reasons for refusal also mention emerging plan policies but since these do not form part of the adopted development plan and I have no detailed evidence as to where on the road to adoption the emerging plan sits, I have not considered them further. Again however, the cited policies are sufficient to consider the proposed development.
7. I have given some thought to the proposed gates. Whilst I agree with the Council that they would be acceptable in highway safety and character and appearance terms⁴ the plans I have seen appear to show that they would be constructed in manner that relies on the structure of the garage. Since I am not allowing the garage as part of the appeal, it stands to reason the gates could not be erected and as such it would not be appropriate to allow them.
8. I have described above the proposed alterations to the dwelling as part of the appeal scheme. They would not result in an increase in the land take of the building. The only material difference to the exterior would be the replacement of a garage door with a window and a few brick courses below. Other changes would be purely internal. Since there is broad variation in property size, design

¹ Daventry District Local Plan (2007)

² The National Planning Policy Framework 2019

³ Moulton Neighbourhood Development Plan 2014-2029 (2016)

⁴ Set into the plot, means of opening could be controlled by planning conditions and there is a variety in the size and design of other local boundary treatments

and appearance in the street scene, this change would be barely noticeable and as such not harmful to the character and appearance of the area. Consequently, they would comply with the aforementioned policies, the objectives of which I have explained.

9. The works in this respect may not require the benefit of express planning permission. However, they form part of the proposed development subject of the appeal and since they would result in no planning harm, they would be acceptable. There is also no specific or legislative reason why development that might not require express planning permission cannot benefit from one.

Other Matters

10. I note the appellant's comments in regard to the lack of objections to the proposed development from neighbours. Be this as it may, such a situation does not absolve me as the decision maker in this case from making an assessment of its effects in planning terms.
11. My attention has been drawn to other garages that have been erected on the frontages of other dwellings in and around the settlement. On the limited details I have of each example I cannot be sure their context is sufficiently similar to the appeal scheme such that it would have an effect on my conclusions. I was also not party to the circumstances of each planning permission if indeed they were erected as part of one on their own. In any case, each development should be considered on its own merits with regard to its own individual context. Both of which can vary scheme to scheme. I am not therefore minded to allow the appeal in this light.
12. I note that the proposed garage would not be overly large and there is an intention to use materials and a roof from reflective of the existing dwelling. Whilst I acknowledge these as positive elements of the appeal scheme, they would not go far enough to sufficiently reduce the effect of the garage's location and thus presence in the street scene.

Conditions

13. I have imposed the usual conditions with regard to the commencement of the development permitted and the approved plans so far as they are relevant for clarity and certainty. I have also required, in the interests of a suitable external appearance, the materials to match the existing dwelling. I have not included the Council's suggested condition regarding the proposed gates since they have not been allowed. Given the scale of the development I have permitted, I do not consider a landscaping scheme to be justified.

Conclusion

14. Whilst I have had regard to other matters that have been raised, it is for the reasons I have set out that the appeal is dismissed insofar as it relates to the proposed new garage and entrance gates and the appeal is allowed insofar as it relates to the proposed alterations to the existing house.

John Morrison

INSPECTOR