
Appeal Decision

Site visit made on 1 June 2020 by A J Sutton BA Hons DipTP MRTPI

by Zoe Raygen Dip URP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 17 June 2020

Appeal Ref: APP/P1615/D/20/3248971

Hollybank Cottage, Glasshouse Lane, Huntley, GL19 3HL

- 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 Hanson against the decision of Forest of Dean District Council.
 - The application Ref P1769/19/FUL, dated 4 November 2019, was refused by notice dated 31 January 2020.
 - The development proposed is the erection of a detached oak framed garage.
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Decision

1. The appeal is allowed, and planning permission is granted for the erection of a detached oak framed garage at Hollybank Cottage, Glasshouse Lane, Huntley, GL19 3HL, in accordance with the terms of application Ref. P1769/19/FUL dated 4 November 2019 and subject to the schedule of conditions attached to this decision.

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.

Procedural Matter

3. A revised scheme was submitted and has been approved since the submission of this appeal.¹(April 2020) The approved scheme appears similar in all respect to the case before me, other than the proposed first floor home office space above the garage to be accessed by an external side staircase.
4. The approved works had not commenced at the time of conducting my site visit, but I have nothing before me to lead me to conclude the consent would not be implemented. Therefore, I have attached appropriate weight to this matter in reaching this recommendation.

Main Issue

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

¹ Ref P0206/20/FUL

Reasons for Recommendation

6. The appeal property is a solitary detached dwelling in a large plot with a number of garden outbuildings and two vehicular driveways, in a countryside setting. The principal elevation of the dwelling is close to the bend of a country lane. However, the plot, despite being set on the rise of a hill, is partially screened by mature woodlands on both sides of the lane. The surrounding countryside is undulating fields bound by mature hedges interspersed by scattered dwellings and small rural settlements. There are public rights of way close to the appeal property to the north and south.
7. The proposed garage, with a first floor home office area, would be set back from the lane, on a level gravelled area of land to the west, elevated above the dwelling. The development would back onto a mature woodland with vehicles accessing from a driveway to the west of the dwelling.
8. The scale and mass of proposed garage, with the addition of a first floor area, would be a substantial structure. However, it would be easily accommodated in the sizeable plot which currently serves as a parking area. Whilst the footprint would be similar to that of the dwelling the proposed garage, suitable for at least two vehicles, would not be a disproportionate addition to serve the existing detached four bedroom dwelling. Furthermore, although it would have an elevated position it would be set back from the existing dwelling which would allow the dwelling house to retain prominence when observed from the front of the property from the lane.
9. The proposed design with gable form, to be constructed in timber, would not be out of character with existing outbuildings within the appeal site or structures observed in the surrounding rural area. Furthermore, the oak frame and timber cladding would help harmonise the development with its woodland setting.
10. Whilst the site is elevated the proposed development would not appear particularly prominent as it would be set back from the road and partially screened by existing boundary treatments and wider vegetation. As such, views of the development would be localised and limited both from the lane and nearby public rights of way.
11. Although not determinative, I am also mindful that the proposed development would be a little under 1m higher than that approved under the April 2020 consent. Furthermore, with the exception of the height of the proposed garage, staircase and glazing detail, the design would not be materially different in terms of architectural style, built footprint and use of materials than that approved.
12. There are a number of outbuildings in the property, one of which is well related to the eastern access to the property. The planning history states that the structure is consented as a workshop.² Another outbuilding is described as a summer house and, I observed on the site visit, is connected to an outside seating area. As such there is no existing structure which currently serves as a garage or home office. Furthermore, the existing outbuildings are located within the garden area and not well related to the existing driveway to the west of the appeal property.

² Ref P1781/15/FUL

13. I have nothing before me which would lead me to believe that the proposed development would be used for any use other than is indicated in the submitted evidence. Regardless, conditions could be imposed to ensure that the development would be incidental to the use of the dwelling.
14. Therefore, the proposal would be of a scale and mass to be incidental to the main residential dwelling and would not detract from the character of the area. As such it would not be contrary to Policy CSP.1 of the Forest of Dean District Council Core Strategy 2012 (Core Strategy) which states the design and construction of new development must take into account important characteristics of the environment and conserve, preserve or otherwise respect them in a manner that maintains or enhances their contribution of the environment, including the wider area.
15. The proposal would not be contrary to Policy CSP.4 of the Core Strategy which states areas outside settlement boundaries unless otherwise shown on the Key Diagram will be treated as part of the open countryside.
16. Nor would it be contrary to Policy AP 1 of the Forest of Dean District Council Allocations Plan 2018 (Allocations Plan) which states in assessing planning applications the primary consideration will be whether or not the development proposed is sustainable with the overall aim of improving economic, social and environmental conditions of an area and Policy AP 4 of the Allocations Plan which requires new development to be of a high quality design, amongst other matters, supporting a strong sense of place, being visually attractive and employing good architecture and landscaping.
17. Furthermore, it would not be contrary to the National Planning Policy Framework, Planning Policy Guidance and National Design Guide which collectively provide a presumption in favour of sustainable development, stating good design is a key aspect of sustainable development.

Conditions

18. The Council has suggested a number of conditions which I consider necessary and reasonable as follows.
19. In addition to requiring the development to be carried out in accordance with approved plans for certainty, approval of materials to be used is considered necessary for confirmation and in the interest of character and appearance.
20. A condition securing a landscaping scheme is also necessary in the interest of character and appearance, subject to minor amendments of proposed wording to ensure relevance.
21. Details regarding the protection of trees during the construction phase is required, prior to the commencement of development, to protect the mature woodland close to the site and a biodiversity enhancement and lighting scheme are considered reasonable in the interest of habitat enhancement and species protection.
22. Approval of details regarding the electricity charging point are also necessary to ensure the sustainable benefits of the development are secured.

23. Finally, it would be necessary to restrict the use of the building as incidental to the dwelling to accord with settlement policies of the Core Strategy, subject to minor amendments to suggested wording in the interest of precision.

Conclusion and Recommendation

24. For the reasons outlined above, and having regard to all other matters raised, I recommend that the appeal should be allowed.

A J Sutton

APPEAL PLANNING OFFICER

Inspector's Decision

25. I have considered all the submitted evidence and concur that the appeal should be allowed.

Zoe Raygen

INSPECTOR

SCHEDULE OF CONDITIONS

- 1) The development hereby permitted shall begin no later than 3 years from the date of this decision.
 - 2) The development hereby permitted shall be carried out in accordance with the following approved plans:

Location Plan - Hollybank Garage PL-01 Rev 2, Site Plan – Hollybank Garage PL-02 Rev 3, Elevations – Drawing No. 190198-01 Rev E.
 - 3) The building hereby permitted shall be used for purposes incidental to the enjoyment of the adjacent dwelling “Hollybank Cottage” and not for any separate residential or commercial use.
 - 4) Prior to commencement of the development hereby approved (including all preparatory work), a scheme for the protection of retained trees, in accordance with BS 5837 2012 and the submitted Arboricultural Impact Assessment, shall be submitted to and approved in writing by the local planning authority. The scheme shall also include, but not be limited to:
 - A specification for protective fencing to safeguard trees during both demolition and construction phases and a plan indicating the alignment of the protective fencing.
- The development thereafter shall be implemented in strict accordance with the approved details.
- 5) The development shall not progress beyond the base course until samples of the materials to be used in the construction of the external surfaces of the building hereby permitted have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved samples.
 - 6) The development shall not progress beyond base course until a scheme of a soft and hard landscaping has been submitted to and approved in writing by the local planning authority. The scheme shall include:
 - i. A plan showing existing vegetation to be retained and safeguarded during construction;
 - ii. Detailed planting scheme and method of weed control; and
 - iii. Details of surfacing, boundary treatments and landscaping structures.
- Approved details of landscaping shall be carried out in the first planting and seeding seasons following the first use of the building or the completion of the development. If, within a period of five years following the completion of the development, a tree, shrub or hedge shall for any reason die, is removed or is felled, it shall be replaced with others of the same size and species during the next planting season.
- 7) There shall be no external lighting unless, prior to above ground works, details of external lighting shall be submitted to and approved in writing by the local planning authority. The details shall clearly demonstrate that lighting will not cause excessive light pollution or disturb or prevent bat species using key corridors, forage habitat features or accessing roost sites. The details shall include:

- i) A drawing showing sensitive areas and/or dark corridor safeguarding areas;
- ii) Description, design or specification of external lighting to be installed including shields, cowls or blinds where appropriate;
- iii) A description of the luminosity of lights and their light colour;
- iv) a drawing(s) showing the location and where appropriate the elevation of the light fixings; and
- v) method to control lighting (e.g. timer operation, sensors).

All external lighting shall be installed in accordance with the specification and locations set out in the approved details prior to the first use of the building. These shall be maintained thereafter in accordance with these details.

- 8) The development shall not progress beyond base course until a scheme for biodiversity enhancement is submitted to and approved by the local planning authority. The approved scheme thereafter shall be implemented and retained in accordance with the approved scheme. The scheme shall include:
 - i. Description, design or specifications of the type of features or measures to be undertaken;
 - ii. Materials and construction to ensure long lifespan of the feature/measure;
 - iii. Drawing(s) showing the location and where appropriate elevation of features or measures to be installed or undertaken; and
 - iv. When the features and measures will be installed and made available.
- 9) The development shall not progress beyond base course until full details of the electric vehicle charging point to be installed shall be submitted to and approved in writing by the local planning authority. The approved details shall be fully implemented prior to the first use of the building and retained thereafter.