
Appeal Decision

Site visit made on 28 July 2020

by M Allen BSc (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 12 August 2020

Appeal Ref: APP/C1625/D/20/3252920

The Wad, Damery Lane, Woodford, Berkeley, Gloucestershire GL13 9JR

- 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 Mrs S. Cullen Bond against the decision of Stroud District Council.
 - The application Ref S.19/2672/HHOLD, dated 11 December 2019, was refused by notice dated 4 March 2020.
 - The development proposed is the erection of single storey annexe.
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Decision

1. The appeal is dismissed.

Application for costs

2. An application for costs was made by Mrs S. Cullen Bond against Stroud District Council. This application is the subject of a separate Decision.

Procedural Matters

3. The appellant cited on the appeal form differs from that cited as the applicant on the application form. The appellant confirms that this is an error and that it is the applicant who is exercising the right of appeal, as detailed in the banner heading above.
4. The application form indicates that the development has been started, but not completed. I observed that a building was present on site and appeared to be occupied, but that the exterior of the building was incomplete. I have dealt with the appeal on this basis.
5. At the time of my visit I was able to enter the building and observed that it appeared to be inhabited. There was also a kitchen present that is not shown on the submitted drawings. Nonetheless, I have determined the appeal on the basis of the submitted details.

Main Issues

6. The main issues are:
 - i) the effect on the character and appearance of the area, and
 - ii) whether the need for the annexe has been sufficiently justified, having regard to local policy.

Reasons

Character and appearance

7. The appeal site comprises an existing dwelling, The Wad, and the large plot within which it sits. The boundaries of the site are generally enclosed by close-boarded timber fencing however there remain views into the site, particularly from the north. The appeal proposal comprises a single storey building, sited to the rear of the existing dwelling. Although not constructed at the time of my visit, a link between the single storey annexe and the dwelling is proposed.
8. The design of the annexe bears little resemblance to that of the existing dwelling. Particularly, the gable width of the annexe is wider than that which is present on the dwelling and the pitch of the roof is shallower. In addition, the roof of the annexe is covered in a slate finish material, whilst the dwelling has a tiled finish. In combination, these factors result in a building that sits uncomfortably next to the dwelling and has a jarring appearance, lacking any visual harmony with the existing building. There are views into the site from vantage points within the local area, above the boundary fencing, within which the annexe is visible as a conspicuous, assertive feature, notwithstanding the reduced ground levels. The height of the building, with the large expanse of roof plane visible, serves to reinforce its visual prominence. It appears as a discordant feature, particularly given its separation from the dwelling, which the proposed link would do little to ameliorate.
9. There is reference to the scheme being an improvement over previous buildings that were on the site of the annexe when the wider site operated as a scrap yard. However, as these have been removed and replaced with the annexe they are of little consequence when making my decision.
10. I note that the elevations of the annexe are proposed to be covered in timber boarding, with the link having a rendered finish. Whilst I consider these elevation treatments in isolation to be acceptable, this would not overcome the harm I identify above.
11. Consequently, I find that the scheme has a harmful effect on the character and appearance of the area. Thus, it conflicts with policies HC8 and CP14 of the adopted Stroud District Local Plan (2015), insofar as they seek to ensure extensions to dwellings are in keeping with the scale and character of the original dwelling and that development has an appropriate design. The scheme would also conflict with the design aims of the National Planning Policy Framework.
12. Policy HC7 is referred to, however I find nothing in the wording of this policy that weighs against the proposal in regard to this main issue. Nonetheless, this does not diminish the conflict with other policies that I identify above.

Need

13. Policy HC7 of the Local Plan establishes that permission for the creation of an annexe will be granted where there is a clear justification for a dependant or full-time carer, subject to a number of criteria. The Council raise no objection in respect of the stated criteria, but rather that insufficient justification has been provided to establish a need for the annexe.
14. The planning application was accompanied by a covering letter that outlined that the annexe was needed for extended family, including a family member in need of care. Whilst there is little detail of this provided, I have not been provided with any substantive evidence to demonstrate that this is not the case. Accordingly, I find

that the need for the annexe has been sufficiently justified and therefore the proposal accords with the requirements of policy HC7.

15. The appellant refers to part of policy HC7 which advocates the use of a legal agreement to ensure that a separate dwelling is not created. It is contended that the policy refers to utilising a S106 legal agreement to limit future use, but a condition would be sufficient, and thus the policy is out of date. However, the policy refers to the possibility of utilising a S106 legal agreement where permission is granted to convert an existing outbuilding within the curtilage of a dwelling. This is not the case with the scheme that is before me, which is for the construction of a new building as an annexe. Thus, this part of the policy is not directly relevant to this appeal and I have no reason to conclude that the policy is out of date.

Other Matters

16. The appellant, whilst accepting that the building subject to the appeal requires planning permission, asserts that it would be possible to construct a building under permitted development and that this represents a viable fallback position. Whilst this is noted, the height of the building that could be constructed under permitted development would be lower than that which has been constructed. Consequently, it would not be as visually prominent as the appeal scheme and would have less of a harmful effect. In this light, the fallback position is not of sufficient weight to warrant allowing the appeal.
17. The appellant also contends that the ground level around the building could be increased so that the overall height of the building, measured from the raised ground level, would be within the permitted development allowance. I accord this argument little weight as, whilst I note that the ground level was reduced during the construction of the building, raising the ground level would artificially reduce the height of the building. In any event, I have no evidence before me to show that it would be possible to raise the ground level around the entirety of the building, particularly given the height of thresholds into it.
18. The option of partially demolishing the building to comply with the height allowed under permitted development is referred to. Whilst this is noted, this would not be the scheme that is before me and, as I have referred to above, any reduction in height would result in the building being less prominent and would not result in the harm I have identified.
19. Consequently, having regard to the matter of a potential fallback under permitted development, I find that this matter is not sufficient to overcome the harm and thus does not provide a justification for allowing the appeal.
20. There is reference to a submitted Unilateral Undertaking however this has not been provided. In any event, it would not overcome the harm and conflict with policy that I have identified.

Conclusion

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

Martin Allen

INSPECTOR