



Appeal Decision

Site visit made on 8 September 2020

by Jonathan Edwards BSc(Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 10 September 2020

Appeal Ref: APP/D3125/D/20/3255313

**The Old Malt House, Street Through Foscot, Foscot, Chipping Norton
OX7 6RL**

- 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 Egan against the decision of West Oxfordshire District Council.
 - The application Ref 20/00369/FUL, dated 6 February 2020, was refused by notice dated 24 June 2020.
 - The development proposed is removal of existing upvc conservatory and erection of new glazed link to new garage. Extension to existing garage to form new ancillary residential outbuilding.
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Decision

1. The appeal is allowed and planning permission is granted for removal of existing upvc conservatory and erection of new glazed link to new garage. Extension to existing garage to form new ancillary residential outbuilding at The Old Malt House, Street Through Foscot, Foscot, Chipping Norton OX7 6RL in accordance with the terms of the application, Ref 20/00369/FUL, dated 6 February 2020, 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 development hereby permitted shall be carried out in accordance with the following approved plans: PLA 03 B, PLA 04 B, PLA 05 B, PLA 06 B.
 - 3) The materials used in the construction of the external surfaces of the development hereby permitted shall match those on the existing buildings.
 - 4) The development hereby permitted shall not be occupied at any time other than for purposes ancillary to the residential use of the dwelling known as The Old Malt House.

Main Issues

2. The main issues are (i) the effect on the character and appearance of the appeal property and the area, and (ii) whether the proposal would be ancillary to the main house.

Reasons

Character and appearance

3. The appeal property consists of a stone house with a wide, linear form and a nearby outbuilding. The proposed garage would be attached to the side of the house and so would follow its linear form. Its flat roof would be at odds with the pitched roof of the house, but its walls would be built of matching stone and it would be a low-key extension, set behind the front elevation.
4. The roof ridges to the outbuilding extension would be in the same direction as the ridgeline on the main part of the existing garage and so would not appear incongruous. Also, the extended outbuilding would be detached and so would not significantly undermine the rectilinear form of the house. The proposed garage and extended outbuilding would be lower, smaller and to the side of the dwelling and so would be subservient in scale, form and appearance.
5. For these reasons, I conclude the proposal would not harm the character and appearance of the appeal property or area. In this regard, it would accord with policies OS2 and OS4 of the West Oxfordshire Local Plan 2018 (LP) and West Oxfordshire Design Guide 2016. These aim, amongst other things, to ensure development respects the architectural character of an area.

Whether ancillary accommodation

6. The description states the extended outbuilding would provide ancillary residential accommodation. A planning condition as referred to in LP policy H2 could reasonably be imposed to ensure the proposal is used as such. Irrespective of the rooms it would contain, the outbuilding would be smaller than the house and would have a close association due to its proximity and shared access. There is no policy requirement to show the proposed rooms could be provided as part of an extension before a separate outbuilding is deemed permissible.
7. For these reasons, I conclude the development would be ancillary accommodation to the main house. As such, it would be in accordance with LP policies OS2 and H2 that allow new accommodation in small villages, hamlets and open countryside which is ancillary to existing dwellings.

Other Matters

8. The extensions to the outbuilding would be on the side away from the nearby listed buildings Corner Cottage and Green Cottage, both significant because of their age and Cotswold vernacular. The low form of the proposed garage would help retain views of Corner Cottage from the appeal site. Intervening buildings would prevent any inter-visibility between the development and Shepherds Cottage, another nearby listed building of age and local vernacular. As such, the proposal would preserve the listed buildings and their settings. Also, the small extensions to buildings would conserve the landscape and scenic beauty of the Cotswold Area of Outstanding Natural Beauty.

Conditions and conclusion

9. For reasons of certainty, I have imposed a condition that requires the development to be carried out in accordance with the approved plans. A condition is also imposed relating to external materials to ensure the

satisfactory appearance of the development. To ensure compliance with LP policy H2 I attach a condition requiring the annexe to be used as ancillary accommodation to the main house. I am satisfied that such a condition would be reasonable and enforceable.

10. For the above reasons, the appeal succeeds.

Jonathan Edwards

INSPECTOR