



Appeal Decision

Site visit made on 18 August 2020

by Chris Forrett BSc(Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 20 October 2020

Appeal Ref: APP/J0405/W/20/3251543

Hatan Farm, Stratford Road, Nash, Buckinghamshire MK17 0EF

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a failure to give notice within the prescribed period of a decision on an application for planning permission.
 - The appeal is made by SHK Abdulla against Buckinghamshire Council.
 - The application Ref 19/01312/APP, is dated 4 April 2019.
 - The development proposed is the raising of eaves to provide a full two storey dwelling with additional accommodation in the roof space, two storey side extension (southern side) and single storey side extension (northern side), front extension to garage with ancillary accommodation in the roof area and change of use from agricultural land to residential garden together with the siting of two ancillary cabins for religious purposes.
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Decision

1. The appeal is dismissed and planning permission refused insofar as it relates to the full two storey dwelling with additional accommodation in the roof space, two storey side extension (southern side) and single storey side extension (northern side), front extension to garage with ancillary accommodation in the roof area.
2. The appeal is allowed and planning permission granted insofar as it relates to the change of use from agricultural land to residential garden together with the siting of two ancillary cabins at Hatan Farm, Stratford Road, Nash, Buckinghamshire MK17 0EF in accordance with the terms of the application, Ref 19/01312/APP, dated 4 April 2019, and the plans submitted with it, 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) The development hereby permitted shall be carried out in accordance with the following approved plans: 12575/01 Rev A; 12575/02 Rev E and plan No.L_34343 (Plan, Façade 1-3, Façade A-C, Façade 3-1, Façade C-A and Sectional) insofar as they relate to the change of use and ancillary cabins.
 - 3) Notwithstanding any the provisions of Class E of Part 1 of Schedule 2 of the Town and Country Planning (General Permitted Development) Order 2015 (or any Order revoking and re-enacting that Order), no buildings or structures shall be erected on the extended domestic curtilage other than those expressly authorised by this permission.

- 4) The log cabins shall not be sited until details of the boundary treatment along eastern boundary of the site (including a timescale for its implementation) have been submitted to and approved in writing by the local planning authority. The approved boundary treatment shall be implemented in accordance with the approved details.

Procedural Matters

3. The planning application form refers to the site as being Elm Farm, but both the Appeal form and the Councils statement refer to the site as being Hatan Farm. I have therefore utilised the revised farm name for my decision.
4. On 1 April 2020, Aylesbury Vale District Council (AVDC) merged, along with other Councils, into a new single Unitary Authority called Buckinghamshire Council. Whilst the original application was submitted to AVDC, the authority's new name has been referred to in the banner heading above.
5. My attention has been drawn to the emerging Vale of Aylesbury Local Plan (VALP). However, from the information before me, the examination of this plan has yet to be completed and as such I cannot give this full weight in the consideration of this appeal.

Main Issue

6. Whilst the Council did not determine the appeal application, they have provided an appeal statement which indicates that they would have refused planning permission on the basis that the proposed extensions to the dwelling and garage would be harmful to the character and appearance of the host dwelling and the wider area. I therefore consider that the main issue is the effect of the development on the character and appearance of the area.

Reasons

7. The appeal site is located on the east side of Stratford Road in a distinctly rural area well outside of any village. The existing dwelling is a single storey property in scale, with accommodation within the roofspace, including dormer windows. The property is constructed out of red brick with clay tiles.
8. The appeal development would enlarge the first-floor accommodation by making it full height and would also include further residential accommodation within the roofspace at second floor level. In addition to this, there would be a two-storey rear extension and a single storey side extension. Other works include an extension to the garage and two detached cabins.
9. Whilst I consider that the single storey side extension and the two storey rear extension are not excessive in size or massing, the overall increase in height and massing of the dwelling would represent a significant change to the appearance of the property to the extent that the existing property would not be recognisable from its existing form. The proposal would also result in the loss of the eyebrow dormer windows which are a distinctive feature of the existing dwelling.
10. In that sense, it cannot be said that the proposal would respect or complement the appearance of the existing dwelling or its scale or context. Furthermore, the proposal would not be a sub-ordinate addition to the original dwelling, a point which the Appellant acknowledges.

11. From my site visit I saw that there was a good degree of screening to the existing property from the roadside. Notwithstanding that, the increase in height of the dwelling would make the resultant dwelling unacceptably prominent in the area. This increased prominence would be exacerbated by the render finish of the upper parts of the resultant dwelling.
12. In respect of the garage alterations, I consider that the increase in footprint is not objectionable in principle. However, the increase in height would result in it being higher than the existing dwelling. Whilst the extended garage could be seen as a subservient building to an extended dwelling, given that I have found harm in respect of the height and scale of the alterations to the dwelling itself, the garage alterations would provide further additional level of harm.
13. The Appellant has drawn my attention to a number of other permissions which include large extensions to existing properties. However, from the limited information before me, I cannot be certain that any of these present similar circumstances to those before me. Moreover, each proposal must be considered on its individual merits.
14. In addition to the above, the Appellant has also made reference to a replacement dwelling, including other example permissions. Policy H4 of the emerging VALP allows for replacement dwellings in the countryside as long as it is not significantly greater in size than the one it replaces, and it does not cause significant harm to the site or its surroundings. In this case, even if I were to give significant weight to a replacement dwelling as an alternative to the proposal before me, given my conclusions above, this does not appear to provide support for a replacement dwelling of this scale.
15. For the above reasons, the extensions to the existing dwelling and garage would harm the character and appearance of the area and would conflict with Policies GP.9 and GP.35 of the Aylesbury Vale District Local Plan 2004 (AVLP) which amongst other matters seek to ensure that proposals respect the appearance of the host dwelling and its setting, including the historic scale and context. It would also conflict with Policies BE2 and NE4 of the emerging VALP which have similar aims and objectives as well as the overarching aims of the National Planning Policy Framework.
16. Turning to the other aspects of the proposal, the Council has not raised any objections to the extended domestic curtilage or the ancillary log cabins. Whilst I acknowledge the concerns raised from interested parties in these aspects of the proposal, I consider that there are no material considerations which indicate that permission should not be granted for these aspects of the development.
17. Therefore, the change of use of the land and the ancillary log cabins would accord with the provisions of Policies RA3 of the AVLP which seeks to ensure that proposals for the extension of residential curtilages beyond the built-up area of settlements that would adversely affect the character and appearance of Rural Areas.

Other matters

18. I have also had regard to the various comments from interested parties including matters relating to other possible developments, multi-occupancy, drainage issues, traffic generation and parking, unauthorised development, and

how the gym is accessed. However, none of the issues raised provide a compelling reason why planning permission should not be granted.

Conditions

19. I have had regard to the planning conditions suggested by the Council insofar as they relate to the elements of the proposal that I have found acceptable. Other than the standard time limit condition, it is necessary to ensure that the development is carried out in accordance with the approved plans for the reason of certainty.
20. In the interests of the character and appearance of the area conditions are also necessary in respect of boundary treatment along the eastern edge of the site and to restrict any further buildings on the land subject to the change of use by removing permitted development rights.
21. I have also considered the suggested condition regarding the occupation of the buildings. However, given that these buildings are for ancillary purposes (to the host dwelling), any alternative use may well require planning permission in any case and therefore such a condition is not necessary.

Conclusion

22. For the reasons given above, taking all matters into consideration, I conclude that the appeal should be dismissed insofar as it relates to the extensions to the house and garage and allowed insofar as it relates to the extension of the domestic curtilage and siting of ancillary cabins.

Chris Forrett

INSPECTOR