
Appeal Decision

Site visit made on 15 September 2020

by J Gibson BUEP MPIA

an Inspector appointed by the Secretary of State

Decision date: 28 October 2020

Appeal Ref: APP/C1625/W/20/3255768

The Old Kings Head, Nibley Green, North Nibley, Dursley GL11 6AZ

- 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 John Hall against the decision of Stroud District Council.
 - The application Ref S.19/2743/HHOLD, dated 20 December 2019, was refused by notice dated 16 April 2020.
 - The development proposed is originally described as the “demolition of outbuilding and construction of extension to be used as a workshop”.
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Decision

1. The appeal is dismissed.

Application for costs

2. An application for costs was made by Mr John Hall against Stroud District Council. This application is the subject of a separate Decision.

Procedural Matters

3. The above description of development has been taken from the submitted application form. In addition to the described works the proposed plans of development show that the proposal also includes the construction of a partially enclosed carport, with loft storage space, attached to the workshop. I have proceeded to determine the appeal on this basis.
4. The appellant describes in their submission that an amended set of plans were submitted to the Council to include details regarding the paper size of each plan as part of the application process. The details on the plans were otherwise identical. To remove any doubt, I have determined the appeal based on the plans of development referenced on the Council’s decision notice.

Main Issues

5. The main issues are the effect of the proposed development on:
 - the character and appearance of the host dwelling; and
 - biodiversity, with particular regard for protected and priority species.

Reasons

Character and appearance

6. The appeal site is a large rural property with a centrally located two storey detached dwelling referred to as "The Old Kings Head". The wider site includes a garden area to the side and rear of the host dwelling, a fenced orchard, a stable block towards the rear of the site and a gravel driveway linking it to the primary access for the host dwelling. Immediately surrounding the appeal site is a cluster of what appear to be agricultural buildings, near the stable building, and open paddocks and fields beyond that. The appeal site is located outside of any defined settlement boundary and is therefore considered to be within the open countryside in planning terms.
7. The Old Kings Head is an attractive building characterised by a simple vernacular design and symmetrical appearance which is complimented by the open landscape characteristics surrounding it. It incorporates architectural detailing around the windows, front door and roof plane which elevates its appearance from an ordinary rural dwelling. The forward and central position of the host dwelling visually emphasises its primacy on the appeal site and within the wider street scene. The host dwelling is subject to a small traditional side extension currently used for storage and a more substantial modern extension to the rear. The modern rear extension is largely obscured from the primary street frontage by the host dwelling and as such is well positioned in respect of the scale and character of the host dwelling.
8. The appeal proposal is a large side extension comprising of a workshop, timber store, extractor room, and partially enclosed carport with loft storage. The proposal replaces the existing side extension which is intended to be demolished and includes a secondary front door providing primary access to the workshop and appearing to link through to the rear of the host dwelling. Compared to the simple characteristics of the host dwelling, the appeal proposal would result in a complicated design and appearance which would fail to unify its individual components and harmonise with the host dwelling. This is exemplified by the awkward appearance of the proposed roofscape of the extension, whereby the elongated pitch of the workshop roof to the rear continues with a flattened angle over the wood store and extractor room, as well as the unduly protruding height of the proposed carport roof above the ridge height of the workshop roof.
9. The building footprint of the appeal proposal would appear to be of a comparable size to the existing host dwelling and rear extension combined, based on the proposed plans of development. As such, the proposed extension would represent a significant increase in the overall building footprint of the property, eroding the primacy of the host dwelling and to a degree unbalancing its current proportions. Adding to this effect is the proposed carport which projects beyond the principle elevation of the host dwelling. Its extension forward of the host dwelling, partially enclosed sides, overall height compared to the proposed workshop and roof design would result in an incongruous feature which would appear prominent within the street scene.
10. Collectively, these described features reflect that the appeal proposal has not been appropriately designed to respect the simple vernacular character, detailing and balanced appearance of the host dwelling, and would instead harmfully compete against the host dwelling for visual primacy within the site.

11. Whilst I note the appeal proposal has been designed to maintain a single storey appearance to achieve a subservient relationship with the host dwelling, the awkward design, cumulative size of the proposal and prominent positioning forward of the host dwelling would fail to respect the scale and character of the host dwelling or enhance the built form appearance of the site. Furthermore, I observed during my site visit that there would be clear views of the proposal from the street scene despite there being some hedges and planting along sections of the appeal site frontage.
12. The appellant notes that favourable pre-application advice was obtained from the Council which prompted them to proceed to lodge the application. A copy of the advice has been submitted for consideration, however the proposed plans which the advice was based on has not been provided to verify whether there are any differences with the appeal proposal. Nevertheless, the pre-application advice is clearly caveated as being the opinion of that officer and based on the limited information available. As such, whilst regrettable, the pre-application advice does not prejudice the assessment carried out by the Council and their ultimate decision to refuse the application.
13. The appellant refers to several planning permissions granted by the Council, as well as appeal decisions, within the wider area relating to similar proposals for extensions to dwellings in the countryside. Full details and documentation of these cases have not been submitted for my consideration so I cannot be certain of the particular circumstances under which these decisions were made and whether they are directly comparable to the appeal proposal. Nevertheless, I have considered the appeal before me based on its own merits.
14. With specific regard for planning permission 03/1466 referenced by the appellant, it is unclear whether any of the approved works have been carried out and as such whether the permission remains extant. Nonetheless, based on the limited documentation provided for this planning permission it would appear as though the appeal proposal would have a more harmful effect on the host dwelling by virtue of its cumulative mass and forward projection of the host dwelling, and that previously permitted.
15. Accordingly, the proposed development would harm the character and appearance of the host dwelling and conflicts with Policies HC8(2) and CP14(5) of the Stroud District Local Plan (LP) (adopted November 2015). These policies collectively seek, amongst other things, to ensure extensions achieve high quality design which are in keeping with the scale and character of the original dwelling and which protect, conserve and enhance the built environment.

Biodiversity

16. The countryside location of the appeal site, the dilapidated condition of the existing side extension and the proposal to demolish it serve as grounds to explore the potential ecological impacts that may result from the proposed development, with particular regard to the potential for adverse impacts to any protected and priority species on site.
17. An ecological survey and impact assessment was not submitted during the application stage for the Council to consider in their assessment. However, the appellant has now submitted a Protected Species Report for Bats and Nesting Birds for consideration as part of this appeal.

18. The report confirms that there is currently no evidence of any priority bird species using the side extension to nest, but confirms there is evidence of bat roosting, including fresh and old droppings as well as feeding remains. As such, there is a high likelihood that the any works to the existing side extension would adversely impact the protect species. As such, further detailed surveys and proposed mitigation and compensation measures, including whether the measures would avoid any significant impacts to the identified bat population and that there are no other alternatives, would be required before permission could be granted¹. In the absence of this information I am not in a position to conclude that the proposed development would not adversely impact protected bat species.
19. I note the appellant refers to several planning permissions where conditions were imposed allowing further surveys and mitigation measures for protected and priority species to be carried out. Circular 06/2005 is clear that such conditions should only be used in exceptional circumstances. The circumstances pertaining to this appeal would not justify the use of such conditions in this regard given the high likelihood of protected bat species within the appeal site and the potential adverse effects in contravention of the protections under the Conservation of Habitats and Species Regulations 2017.
20. Accordingly, there is currently insufficient information available for me to conclude that the proposed development would not have an adverse effect on biodiversity, with particular regard for protected species. It therefore conflicts with Policy ES6 of the LP which seeks, amongst other things, to safeguard protected and priority species from the adverse effects of development.

Other Matters

21. The appeal site is located approximately 175 metres away from Grade II listed building Burrows Court. Sections 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires that special regard be given to the desirability of preserving listed buildings, their setting or any features of special architectural or historic interest which they possess. Given the separation distance between the appeal site and the listed building I am satisfied that the proposal would not harm the setting of the identified Grade II listed buildings. Similarly, the Council have not identified any harm resulting from the proposal on the setting of these Grade II listed buildings.
22. The appeal property is located within the Cotswolds Area of Outstanding Natural Beauty (AONB). Section 85 of the Countryside and Rights of Way Act 2000 requires that I have regard to the purpose of conserving and enhancing the natural beauty of the AONB. Paragraph 172 of the National Planning Policy Framework (the Framework) specifies that great weight must be given to conserving and enhancing landscape and scenic beauty of these areas. The identified harm relates specifically to the effect of the proposal on the host dwelling and would not in itself amount to harm to the characteristics of the AONB. The Council did not identify any harm to the AONB in their delegated report or decision notice, so it is taken that they reached a similar conclusion in their assessment of the matter.

¹ Circular 06/2005: Biodiversity and geological Conservation – Statutory Obligations and their Impact within the Planning System

Conclusion

23. For the reasons given above I conclude that the appeal should be dismissed.

J Gibson

INSPECTOR