
Appeal Decision

Site visit made on 11 November 2020

by David Fitzsimon MRTPI

an Inspector appointed by the Secretary of State

Decision date: 25 November 2020.

Appeal Ref: APP/K0425/D/20/3254693

48 School Road, Tylers Green HP10 8EF

- 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 & Mrs Marshall against the decision of Wycombe District Council (now Buckinghamshire Council).
 - The application Ref 20/05436/FUL, dated 18 February 2020, was refused by notice dated 19 May 2020.
 - The development proposed is a 'single storey 2 bay detached garage with store and home office/gym to side and rear'.
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Decision

1. The appeal is allowed and planning permission is granted for a single storey 2 bay detached garage with store and home office/gym to side and rear at 28 School Road, Tylers Green HP10 8EF in accordance with the terms of the application, Ref 20/05436/FUL, dated 18 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 approved drawings referenced 19/02/03 Rev C and 19/02/05 Rev C.
 - 3) The materials to be used in the external finish of the building hereby permitted shall be in accordance with the details outlined within Section 5 of the completed Application Form.
 - 4) The building hereby permitted shall not be occupied at any time other than for purposes ancillary to the residential use of the dwelling at No. 48 School Road.

Application for Costs

2. An application for costs was made by the Appellants against the Council which is the subject of a separate Decision.

Main Issue

3. The main issue in this case is the effect of the proposed building on the setting, character and appearance of the host dwelling and the Penn and Tylers Green Conservation Area (CA) within which it sits.

Reasons

4. The appeal relates to an attractive, substantial detached dwelling which is set within generous grounds. It enjoys a prominent position across from Tylers Green Common and it sits next to a primary school.
5. The proposal seeks to introduce a detached single storey building to the large area at the side of the dwelling. The proposed building would be recessed from the principal elevation of the main house. It would be of a traditional, attractive design with a hipped roof and external finishing materials which would fit with those of the host dwelling. The building would be 'reverse L-shaped' with the frontage accommodating a two bay garage and a blank bay which would accommodate a store, with a home office/gym directly behind.
6. The proposed building would sit behind the tall wall and double gates which define the front boundary of the appeal property. The upper section and roof would be visible from the public domain, but I consider that its overall scale and form would sit comfortably alongside the existing dwelling. I also note the Council's Arboriculturalist is satisfied that the proposed development would not affect the longevity of any of the mature trees located nearby.
7. The Council has expressed concern that the proposed building would be used as a separate dwelling and it would be served by a separate access. The description of the proposal according to the completed Application Form is '*a single storey 2 bay detached garage with store and home office/gym to side and rear*'. The plans reflect this and show no changes to the existing access arrangements. A separate vehicular access to serve the proposed building is not proposed. As suggested by the Appellants, a suitably worded planning condition could be imposed to ensure that the building was used only for purposes ancillary to the main dwelling.
8. In light of the above factors, I conclude that the proposed building is of an appropriate design and scale, it would sit comfortably against the host dwelling and it would, at worst, have a neutral effect on the overall character and appearance of the CA. In such terms, the proposal complies with policies DM31 and DM36 of the adopted Wycombe Local Plan along with the Council's adopted Householder Design Guide; which collectively promote high quality design which is appropriate to its context and which preserves or enhances the character or appearance of the District's Conservation Areas.
9. In addition to the standard conditions which limit the lifespan of the planning permission and direct that the development takes place in accordance with the approved plans, the Council has suggested several conditions in the event the appeal succeeds. These include conditions to ensure the external finish of the building is appropriate, that it is used only for purposes which are ancillary to the host dwelling and that the parking spaces should be available before the garage is first used. As the garage itself provides two car parking spaces and additional space is available within the curtilage for the parking of vehicles, this condition is not necessary. In allowing the appeal, I shall impose the other conditions for reasons I have already explained.

David Fitzsimon

INSPECTOR