



Appeal Decision

Site visit made on 15 February 2020 by Ben Phillips Bsc MSc MRTPI

Decision by R C Kirby BA(Hons) DipTP MRTPI

An Inspector appointed by the Secretary of State

Decision date: 26 February 2021

Appeal Ref: APP/F1610/D/20/3263280

Dalarna, Donnington, Gloucestershire GL56 0XZ

- 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 M Barry Daniell against the decision of Cotswold District Council.
 - The application Ref 20/02338/FUL, dated 7 July 2020, was refused by notice dated 13 November 2020.
 - The development proposed is erection of first floor front extension, two-storey rear extension, replacement rear dormer window and widening access with replacement gates.
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Decision

1. The appeal is allowed and planning permission is granted for the erection of first floor front extension, two-storey rear extension, replacement rear dormer window and widening access with replacement gates at Dalarna, Donnington, Gloucestershire GL56 0XE in accordance with the terms of the application 20/02338/FUL dated 7 July 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 shall be carried out in accordance with the approved plans numbered/named: Site Location Plan, PFD/02B, Entrance gates as Proposed, Roof plan.
 3. Prior to development above base course, samples of the materials to be used in the construction of the external surfaces of the development hereby permitted shall be submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.
 4. The roof area of the extension (above the Garden Room) hereby permitted shall not be used as a balcony, roof garden or similar amenity area.

Appeal Procedure

2. The site visit was undertaken by an Appeal Planning Officer whose recommendation is set out below and to which the Inspector has had regard before deciding the appeal.

Procedural Matter

3. The description of development above is taken from part E of the appeal form and the Council's Decision Notice. This is in the interest of clarity.

4. It is understood that amended plans were submitted during the application process, reducing the scale of the proposed extensions. The Council has based their decision on the amended plans and therefore so will I.

Main Issue

5. The main issue in this case is the effect of the proposal on the character and appearance of the Donnington Conservation Area (CA).

Reasons for Recommendation

6. The appeal dwelling is a detached 1960's extended dormer bungalow property located within the small settlement of Donnington. The majority of the settlement is located within the CA, and notwithstanding the appeal property and its two similar neighbours to the west, is characterised by attractive traditional/ historic vernacular stone dwellings of varying scale. The site is also located within the Cotswolds Area of Outstanding Natural Beauty (AONB).
7. No information is given regarding the designation of the CA, however it is evident that its significance lies with its special architectural and historic interest.
8. Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 sets out that special attention should be paid to the desirability of preserving or enhancing the character or appearance of Conservation Areas and the guidance contained within the National Planning Policy Framework (the Framework) states that local planning authorities should take account of the desirability of sustaining and enhancing the significance of heritage assets and that great weight should be given to the asset's conservation.
9. As set out above, the existing property is not characteristic of the settlement, being a more modern addition into the historic surroundings. As such, it is not considered to contribute positively to the character and appearance of the CA.
10. The front gable extension, whilst wider than the existing front gable, would be similar in appearance to it and would balance the front elevation. The proposed widening of the access and erection of replacement gates would be limited in its visual impact and would not appear incongruous. Moreover, it is understood that the appeal property benefits from a previous extant planning approval¹ for these elements of the proposed development. As such I give this significant weight as a fall-back position.
11. In this regard, the previous character of the property as a modest bungalow has been already therefore been compromised. The proposed additional rear extension would further increase the mass of the building; however, it would not dominate the existing dwelling to its detriment and the replacement rear dormer would be an improvement visually over the existing wider close boarded dormer.
12. The rear extension would be less prominent but would still be visible from views from the highway, in addition to brief distance views from a public right of way to the north west. However, I have no evidence before me to suggest that the gap between the rear of the property and the frontage of the eastern neighbour, Morningside, is significant in its contribution to the CA. The

¹ Approval ref: 18/03599/FUL

dwellings directly opposite the appeal property are part of a terrace, as are the dwellings to the east. From my site visit I do not consider that this view or the separation gap between properties contribute to the special character of the settlement or the significance of the CA.

13. In light of the foregoing, I conclude that the character and appearance of the CA would be preserved by the proposed extensions and alterations, in accordance with Policy EN11 of the Local Plan, which seeks to ensure that development proposals preserve and where appropriate enhance the special character and appearance of Conservation Areas. For the same reasons it complies with the requirements of the Framework relating to conserving and enhancing the historic environment. As I do not find that the proposal would cause harm to or loss of the heritage assets, it is not necessary to apply the public benefit test set out in paragraph 196 of the Framework.

Other Matters

14. The proposed dwelling would be sited nearby to the Grade II listed properties, Well House, a detached limestone property with a C17 main body, and Manor Farmhouse, which is a C17 – early C18 century two storey limestone farmhouse, with single storey C19 attached outbuildings.
15. The appeal site is located on the same road and forms part of the mixed built form which provides the wider context of these designated heritage assets. Therefore, although the extensions would be visible, they would have a broadly neutral impact on the setting of the assets. It is noted that the Council have raised no issue with the impact of the proposed development in this respect. Accordingly, the proposal would be unlikely to affect the appreciation of the buildings and I find that their significance would be preserved, in accordance with Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the Act).
16. Given the minor nature of the development and the siting of the property within the settlement, it would also not affect the landscape and scenic beauty of the wider AONB.
17. It is acknowledged that a number of objections was received regarding the impact of the rear extension upon the amenities of the occupiers of neighbouring properties. Although the outlook from the adjoining neighbours would change with the development of the appeal proposal and whilst the neighbours to the east are set at a lower level, given the separation distances and siting of the proposed rear extension away from both side boundaries, I am satisfied that the extension would not be overbearing on the outlook from the rear or side of these dwellings or from their rear gardens. The proposal would be unlikely to make the rear or side facing rooms of these properties less pleasant to use as a result.
18. The proposed rear extension would include a rooflight on its side elevation, however given its high-level location within the roof, it would not provide any direct opportunity to overlook the side elevation of Middle Ground. With regards to impact upon light, given the separation distances and the setting of the extension behind the existing single storey projection facing Middle Ground, it is unlikely that the proposal would result in a loss of light to the side facing windows or the garden to this property to a degree that would make the rooms these window serve and outdoor space less pleasant to use.

19. Similarly, given the separation distance, the proposed extension would be unlikely to lead to a detrimental effect on light reaching the rear windows and gardens of Morningside and Hill Cottage.
20. Further issues have also been raised regarding issues such as affordable housing and disruption during the construction process, in addition to setting a precedent and overdevelopment. The existing dwelling is not classified as an affordable unit in the context of the Local Plan and given the scale of development any build disruption would be limited. The acceptable impact on character and appearance of the existing dwelling and CA and the amenities of the occupiers of neighbouring residents indicate that the proposal would not result in overdevelopment. With regards to precedent, each case is determined on its own specific merits. The impact on the value of neighbouring properties is not a material planning consideration.

Conditions

21. In addition to the standard time limit condition I have specified the approved plans so as to provide certainty. In order to protect the character and appearance of the area I have also included a condition controlling the external materials to be used, however it is not considered that an onsite sample panel is reasonable or necessary.
22. Finally, a condition restricting use of the small flat roofed element above the end of the garden room projection is necessary to prevent any unacceptable effect upon the privacy of neighbours.
23. I have however amended some of the suggested wording to reflect the advice in the Framework and the Planning Practice Guidance on conditions.

Conclusion

24. For the reasons given above and having had regard to all other matters raised, I recommend that the appeal should be allowed, subject to the conditions outlined above.

B Phillips

APPEALS PLANNING OFFICER

Inspector's Decision

25. I have considered all the submitted evidence and the Appeal Planning Officer's report and, on that basis, the appeal is allowed, with the suggested conditions.

RC Kirby

INSPECTOR