



Appeal Decision

Site visit made on 28 June 2021 by Darren Ellis MPlan

Decision by L McKay MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 23 July 2021

Appeal Ref: APP/B3030/D/21/3272772

Jaleno, Church Lane, Eakring, NG22 0DH

- 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 Mrs Sally Surgay against the decision of Newark & Sherwood District Council.
 - The application Ref 20/02207/HOUSE, dated 10 November 2020, was refused by notice dated 18 February 2021.
 - The development proposed is described as 'Relocate the vehicle entrance to the opposite side of the drive. Single storey front porch extension with carport. Conversion of garage to storage area and a WC / shower room. Single storey rear extension. Re-clad the rear gable elevation'.
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Decision

1. The appeal is allowed and planning permission is granted for 'Relocate the vehicle entrance to the opposite side of the drive. Single storey front porch extension with carport. Conversion of garage to storage area and a WC / shower room. Single storey rear extension. Re-clad the rear gable elevation' at Jaleno, Church Lane, Eakring, NG22 0DH in accordance with the terms of the application 20/02207/HOUSE, dated 10 November 2020, subject to the following conditions:
 - 1) The development hereby permitted shall begin no 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: Proposed Plan/Elevation & Block Plan drawing no. JCL-PD-03C; and Proposed Elevations drawing no. JCL-PD-04B.
 - 3) The external surfaces of the development hereby permitted shall be constructed in the materials shown on drawing nos. JCL-PD-03C and JCL-PD-04B.

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 Government published on 20 July 2021 a revised version of the National Planning Policy Framework. Whilst I have had regard to the revised national policy as a material consideration in my decision-making, planning decisions
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must still be made in accordance with the development plan unless material considerations indicate otherwise. In this instance, the issues most relevant to the appeal remain unaffected by the revisions to the Framework. I am therefore satisfied that there is no requirement to seek further submissions on the revised Framework, and that no party would be disadvantaged by such a course of action.

Main Issue

4. The main issue is the effect of the proposed development on the character and appearance of the host property, the street scene, and the Eakring Conservation Area.

Reasons for the Recommendation

5. The appeal site comprises a detached dwelling set in a generous plot with a long rear garden. The dwelling has previously been extended and has a modern appearance with some traditional detailing. The dwellings in Church Lane have a variety of designs and are predominantly finished with brick, although render and timber are also used. The appeal site lies within Eakring Conservation Area, which is characterised by the lack of formal treatment to the roadside. The appeal property maintains this informal character and, along with the traditional detailing and materials, contributes positively to the street scene and the character of the Conservation Area.
6. The existing rear elevation of the property is rendered, and therefore the application of new render to the rear gable wall would not detract from the property. The proposed single-storey rear extension would be visible from the public footpath adjacent to the site, however its design and materials would be in keeping with the existing dwelling. I note that the Council in its delegated report raised no concerns with regards to these two elements, and I have no reason to disagree based on the evidence before me, including my observations on my site visit.
7. The proposed porch and car port would project forwards of the front elevation of the dwelling and would be close to the street, so would be quite visible from the road. However, the structure would still be substantially smaller in scale than the main dwelling and would appear subservient to it. Furthermore, the front and western side of the car port would be open, which would give the structure a lightweight appearance. Several buildings and outbuildings in the area are built close to or up to the road and in this context the proposed structure would not appear alien or incongruous in the street scene, nor would it be unduly prominent or dominant.
8. The proposed render to the porch and eastern side wall of the car port would match that proposed on the rear elevation and complement the external brickwork of the main dwelling. The grey slate tiles proposed on the car port would contrast somewhat with the red/orange tiles of the main roof, however on this small area of roof they would not be particularly noticeable, and the grey tiles would relate well to the 'anthracite' coloured door and support posts. While this colour palette would give the additions a contemporary appearance this would not appear out of place on what is a relatively modern dwelling, and would not detract from its traditional form. Consequently, overall, the proposed porch and car port would be sympathetic additions to the appeal property

which would retain the informal character of the Conservation Area and would not diminish the appeal property's contribution to it.

9. The proposed new vehicle entrance to the front of the property would be very similar in appearance to the existing entrance, which is proposed to be infilled using the bricks from the wall where the new entrance would be located. Therefore, moving the vehicle entrance would have no significant effect on the character and appearance of the property or street scene.
10. The appeal site is relatively close to the Grade II listed Walnut Tree Cottage, and to Cherry Tree Cottage, which the Council identifies as being of local interest. However, as relatively small-scale extensions and alterations to a modern dwelling, the proposals would not materially affect the setting of those heritage assets, any features of special architectural or historic interest that they possess, or their contribution to the Conservation Area.
11. Therefore, the proposal would not detract from the character and appearance of the appeal property or street scene and would preserve the character and appearance of the Conservation Area. As such, it would accord with Core Policy 9 of the Amended Core Strategy (March 2019) (ACS) and Policies DM5 and DM6 of the Development Plan Document (July 2013) (DPD), which require that development is of a high-quality design and respects the design, materials and detailing of the host dwelling as well as the character of the surrounding area. The proposal would also accord with Core Policy 14 of the ACS and Policy DM9 of the DPD, which require development proposals which affect heritage assets, including Conservation Areas, to preserve or enhance the special character of the Conservation Area.

Conditions

12. The standard time limit condition and a condition specifying the approved plans are necessary to provide certainty and in the interests of proper planning.
13. The Council has suggested a condition for details of the proposed exterior materials to be submitted and approved by the Council, in the interests of the character and appearance of the Conservation Area. However, sufficient information of the exterior materials is shown on the submitted drawings. A condition requiring the exterior materials to be as specified on those drawings is therefore more appropriate.
14. The side window in the proposed rear extension would be a high-level window and would therefore offer very limited views towards the neighbouring property. Consequently, it would not adversely affect the living conditions of the occupiers of that property and as such, there is no need for it to be obscure glazed as the Council's delegated report recommends.
15. It has not been demonstrated why the construction of the new vehicle access and blocking up of the existing access is necessary before other development begins, or why the existing vehicle access could not be used during the construction of the extensions. Furthermore, even if the new access were constructed and both access points were in use at the same time, this would be unlikely to cause any significant highway safety issues as it would allow vehicles to enter and leave in a forward gear.
16. The proposal would not result in any increase in size of the driveway and would not alter the current car parking requirements of the appeal property. As such

the proposal would not cause any greater risk to highway safety than the existing situation, with regard to loose material being deposited on the highway or surface water draining onto the road.

17. The design of the car port with two open sides would make it unlikely to be used for any other purpose than the parking of cars. Furthermore, a further planning application would be required in order to enclose the car port.

18. Therefore, in this case the conditions suggested by the Highway Authority are not necessary to make the scheme acceptable.

Conclusion

19. For the reasons given above and having had regard to all other matters raised, I recommend that the appeal should be allowed and planning permission granted subject to the conditions listed above.

Darren Ellis

APPEAL PLANNING OFFICER

Inspector's Decision

20. I have considered all the submitted evidence and the Appeal Planning Officer's report and agree with the recommendation. On that basis the appeal is allowed and planning permission is granted subject to the conditions set out above.

L McKay

INSPECTOR