



Appeal Decision

Site visit made on 31 August 2021

by K Winnard LL.B (Hons) Solicitor

an Inspector appointed by the Secretary of State

Decision date: 10 September 2021.

Appeal Ref: APP/R1038/D/21/3274703

Old Hall Farm Cottage Field Lane Killamarsh S21 1AZ

- 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 Philip Bramhall against the decision of North East Derbyshire District Council.
 - The application Ref 21/00124/FLH, dated 6 February 2021, was refused by notice dated 30 March 2021.
 - The development proposed is single storey front extension and porch extension.
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Decision

1. The appeal is dismissed insofar as it relates to the single storey front extension and planning permission is refused for the single storey front extension. The appeal is allowed insofar as it relates to the porch extension and planning permission is granted for a porch extension at Old Hall Farm Cottage Field Lane Killamarsh S21 1AZ in accordance with the terms of the application, Ref. 21/00124/FLH, dated 6 February 2021, 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 3 years from the date of the decision.
 - 2) The development hereby permitted shall be carried out in accordance with the following approved plans PB1/2 B and Site Plan.
 - 3) The materials to be used in the construction of the external surfaces of the development hereby permitted shall match those used in the existing building unless otherwise agreed in writing by the Local Planning Authority.

Procedural Matters

2. The appeal property (Old Hall Farm Cottage) is located within the Green Belt. This matter is not at issue between the parties and the Council has accepted that the proposal is not inappropriate development within the Green Belt. I agree with this assessment and my decision deals solely with the reasons for refusal given by the Council.

3. The Council has indicated that it has no objections to the porch extension to the front of the property. Accordingly, I shall direct my assessment to the single storey front extension element of the proposal.
4. In July 2021 the Government published its revised Framework. It replaces the previous version published in February 2019. The Framework represents the Government's up to date planning policies for England and how they should be applied. The circumstances of this appeal are such that it has not been necessary to seek comments from the parties on the revised Framework.
5. The Council cite policies from the emerging local plan in their reasons for refusal. From the information before me it is not clear when the plan will be adopted. I can only give these policies limited weight in my determination of the appeal.

Main Issues

6. The main issues in the appeal are:
 - (i) the effect of the proposed development on the living conditions of the occupiers of Old Hall Farm and Stable Barn with particular regard to outlook, overlooking and privacy; and
 - (ii) the effect on the character and appearance of the host property and the surrounding area.

Reasons

Living Conditions

7. Old Hall Farm Cottage is a barn conversion and one of three properties located around a central courtyard. To the west, situated on a higher level, is Old Hall Farm, the original farmhouse. Old Hall Farm has a single storey extension close to and facing the side elevation of Old Hall Farm Cottage. The massing of the proposed extension visible above, and close to the boundary wall would create a dominant and solid wall in proximity to this boundary. This would result in an unacceptable overbearing and domineering effect for the occupiers of Old Hall Farm. I appreciate that there is a stone wall between the two properties and that a number of windows in the extension already face the gable wall of Old Hall Farm Cottage. However, the close proximity of the extension and its increased height in comparison with the existing stone wall would introduce a sense of enclosure to the kitchen. Whilst there is an alternative window in this room, this is on a different elevation and would not have a significant effect on mitigating the loss of outlook nor the overbearing effect in this instance. Accordingly the proposal would result in a detrimental overbearing impact on the amenities of the occupiers of Old Hall Farm.
8. To the north of Old Hall Farm Cottage, and at a lower level, separated by the central courtyard and front garden, is Stable Barn, a second barn conversion. The position of Stable Barn is such that there is already a degree of overlooking from the existing windows and doors in Old Hall Farm Cottage. The proposed extension would be closer to Stable Barn, though the Council and the appellant disagree as to the distance. Given the degree to which the existing habitable rooms look towards Stable Barn, the angles of vision that would be created and the distances involved, together with the existing boundary treatment between the two properties, the proposal would not be so unacceptable as to justify

refusing the appeal on this issue. The proposal would not conform to the recommended separation distances (even on the appellant's own measurements) within the Council's 'Successful Places Supplementary Planning Guidance'. However, for the reasons stated above, the proposal would still comply with the overall aims contained within Policy H5 of the North East Derbyshire Local Plan (2005) (Local Plan) which requires that extensions should, amongst other things, avoid significant loss of privacy and amenity for the residents of neighbouring properties.

9. I therefore conclude on this issue that the proposal would not result in a significant loss of privacy due to overlooking in relation to the living conditions of the occupiers of Stable Barn. However, it would result in unacceptable harm to the living conditions of the occupiers of Old Hall Farm with particular regard to outlook. It would therefore be contrary to Policy H5 of the North East Derbyshire Local Plan (2005) (Local Plan), details of which I have given above.

Character and Appearance

10. Whilst the three properties in the courtyard have differences in terms of style and form, overall they reflect the traditional character of former farm buildings. They are viewed as part of a group from Field Lane and together make a positive contribution to the character and appearance of this rural area. The scale of the full height glazing across much of the front elevation of the proposed extension and the addition of a flat roof with triple roof lights would be dominant. It would give the outward appearance of a more modern dwelling rather than maintain the architecture and materials of the former farm building. The resultant extension would as a consequence be out of keeping with the character and appearance of the host dwelling and the contribution that it makes to the character and appearance of the area.
11. The existing full height large window on the front elevation is already a departure from the original form of the building. Rather than creating balance the additional glazing would be an overly discordant feature detracting from the simpler form of the former farm building on this elevation. The appellant indicates that the proposal would be constructed with traditional features and materials, however aspects of good design are fundamental to all developments and would not represent a notable benefit.
12. I appreciate that the Framework indicates that design should not be used as reason for objection to development where the design accords with clear expectations in plan policies. The overall aim of Local Plan Policy H5 is to ensure that extensions positively respect local distinctiveness and a sense of place through design. In this instance the introduction of a large area of glazing across a long front elevation would be at odds with Old Hall Farm Cottage and the farm buildings which add to the prevailing character of the area of this part of Field Lane.
13. As such I therefore conclude that the proposed single storey front extension would result in unacceptable harm to the character and appearance of the host property and the area. It would therefore be in conflict with Policy H5 of the Local Plan which requires extensions to dwellings to be in keeping with the property and street scene in terms of their style, proportion and materials.

Other Matters

14. Reference has been made to the effect that the rights of neighbouring occupiers at Stable Barn under Article 1 of the First Protocol and Article 8 of the Human Rights Act would be violated if the appeal were allowed. I do not consider that this argument is well founded because I have found that the proposed development would not cause unacceptable harm to the living conditions of the occupiers of Stable Barn with particular regard to privacy. The degree of interference that would be caused would be insufficient to give rise to a violation of rights under Article 1 or Article 8.
15. As the porch extension is both physically and functionally severable, I consider that a split decision would be appropriate in this instance. Accordingly I conclude that the appeal should succeed in relation to the porch extension.

Conditions

16. I have attached the standard time condition and a plans condition to provide certainty. I have also attached a condition regarding materials to be used in the porch extension to ensure a satisfactory appearance.

Conclusion

17. The single storey front extension would have a harmful effect on the character and appearance of the host property and the area and would harm the living conditions of the occupiers of Old Hall Farm. There are no other considerations which would outweigh these findings or the conflict with the Development Plan. Accordingly in relation to the single storey front extension, I dismiss the appeal. The element of the proposal which relates to the front porch extension is allowed in accordance with my formal decision given above.

K Winnard

INSPECTOR