
Appeal Decision

Site visit made on 9 November 2021

by Gary Deane BSc (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 22 November 2021.

Appeal Ref: APP/K0425/D/21/3279705

19 New Road, Tylers Green HP10 8DJ

- 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 Kate Kirrane against the decision of Buckinghamshire Council.
 - The application Ref 21/06656/FUL, dated 25 May 2021, was refused by notice dated 20 July 2021.
 - The development proposed is the erection of a dormer to face the garden from existing garage.
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Decision

1. The appeal is dismissed.

Procedural matters

2. The appellant has confirmed that her name is now Mrs Kate Kirrane, which is reflected in the above heading.
3. The Council states that the proposal is tantamount to creating a new dwelling. That opinion appears to be based on the appearance of the completed outbuilding, which the Council considers would be 'domestic'. It also reflects the Council's view that there is potential to provide self-contained residential accommodation within the enlarged outbuilding that would have an independent access and a limited connection with the main house.
4. However, there is no clear evidence in this regard and the future use of the outbuilding could be covered by a condition if planning permission were to be granted. The description of development given on the application form lodged with the Council refers only to the introduction of a new dormer to the existing garage. The plans clearly denote the ground floor of the proposed outbuilding as a bin store and carport with the first floor as an office. The site, as a whole, would remain in single-family occupation. All of these matters consistently point towards the ancillary use of the proposal to the main house. I have, therefore, assessed the appeal scheme on that basis.

Main issue

5. The main issue is the effect of the proposed development on the character and appearance of the local area.

Reasons

6. The appeal property is a detached 2-storey house with a detached outbuilding to the rear that is currently in use as a garage with an area for storage in the roof space above. Although close to a predominantly residential area, No 19 stands back from the road within a secluded woodland setting that is clearly apart from other existing buildings. As a result, the site has a verdant quality and a semi-rural feel, which markedly contrasts with the more compact form of suburban housing on the opposite side of New Road.
7. The site falls within the Penn and Tylers Green Conservation Area (CA), which covers a large and diverse area. From what I saw, the significance of the CA as a designated heritage asset primarily derives from the large swathes of green space, clusters of historic buildings and small enclaves of traditional style dwellings with some properties set into woodland such as No 19. I have paid special attention to the desirability of preserving or enhancing the character or appearance of the CA, as required by section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990.
8. The proposal is to erect a dormer extension onto a roof slope of the outbuilding to facilitate the use of the first floor as a home office. The new addition would face the back of the main house, away from the road. The external materials would match those of the host building. No change is sought to the height of the existing roof or to the width of the outbuilding.
9. The new dormer would cover much of the host roof slope and so it would be a relatively sizeable addition. Given its elevated position, the proposal would also be a conspicuous feature of the finished outbuilding. Taken together, these aspects of the new dormer would conflict unsatisfactorily with the simple form, modest proportions and unassuming presence of the existing outbuilding.
10. The overall visual effect would also appear contrived and unconvincing mainly because the new dormer would introduce an overtly domestic feature that would be uncharacteristic of a typical garden outbuilding. To my mind, it would give the outbuilding an awkward uncertain appearance and its function would not be visually obvious due to the incongruous presence of the dormer. The appeal scheme would also disrupt the relationship to the main house because the outbuilding would no longer visually 'read' as clearly subordinate to it. The main outcome would be significant harm to the character and appearance of the host building, the main house and the wider landscape.
11. None of the proposal would be readily evident from beyond the back garden of No 19. However, the requirement for development to preserve or enhance the character or appearance of the CA applies with equal force whether or not the proposal is prominent or available to public view. I also saw that several properties close to the site included dormers that were visible from the road. None were on detached outbuildings within the CA, as proposed. As these cases are not directly comparable with the appeal scheme I am unable to attach more than limited weight to them in support of the appeal.
12. Given the modest scale of the new development, the harm to the CA would be less than substantial. In those circumstances, the National Planning Policy Framework (the Framework) states that the harm should be weighed against the public benefits. Policy DM31 of the Wycombe District Local Plan (LP) echoes this requirement.

13. By opening up the ground floor of the outbuilding for use as a garage the appellant says that there is no longer a need for on-street parking that has benefited others. However, there is no indication that this benefit has arisen directly from the proposal, which relates to the first floor of the outbuilding. No other public benefits have been put forward to justify the proposal and I find none that would outweigh the harm that I have identified.
14. In the light of the above, I consider that the proposal would be incompatible in its context. On the main issue, I conclude that the proposed development would cause significant harm to the character and appearance of the local area. It would fail to preserve the character and appearance of the CA. Accordingly, the appeal scheme conflicts with LP Policies DM31 and DM35 and the Council's Householder Planning and Design Guidance Supplementary Planning Document. These policies and guidance aim to ensure that new development conserves if not enhances the historic environment; improves the character of the area; and demonstrates high quality design.
15. There would also be a conflict with the statutory duty and with the Framework with regard to the protection of designated heritage assets. As LP Policy DM36, to which the Council also refers, deals with extensions and alterations to existing dwellings, it is less directly relevant to the proposal.

Other matters

16. Once complete, the proposal would provide space for a home office, the value of which has been emphasised in recent months with restrictions associated with the pandemic encouraging people to work from home, wherever possible. It would increase the useable space available above the garage and provide an opportunity to create an attractive place from which to work. In doing so, it would make an efficient use of the outbuilding. These considerations, which largely amount to private benefits, do not outweigh the identified harm.
17. The appellant is critical of the Council's handling of the application and considers that its assessment of the proposal was flawed. I note the appellant's concern that the Case Officer and perhaps others misunderstood that the dormer would face the road rather than the back of the house. However, paragraph 2.4 of the Officer's report makes clear that the proposal would address the rear of the dwelling and that it would not face the road.
18. The appellant has also referred to large-scale residential development proposals elsewhere in the local area and their effects on its character and appearance. However, my remit is to solely determine this appeal, which I have done on its own merits.

Conclusion

19. The proposed development would conflict with the development plan as a whole. There are no material considerations, including the Framework, which indicate that the decision should be taken otherwise than in accordance with the development plan. For the reasons set out above, I therefore conclude that the appeal should be dismissed.

Gary Deane

INSPECTOR