
Appeal Decision

Site visit made on 13 December 2021

by Alexander O'Doherty LLB (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 21 December 2021

Appeal Ref: APP/Y3940/D/21/3273494

Cherry Tree Cottage, Cloatley End, Hankerton, Malmesbury SN16 9LH

- 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 Mark Peart against the decision of Wiltshire Council.
 - The application Ref 20/06118/FUL, dated 18 July 2020, was refused by notice dated 24 February 2021.
 - The development proposed is described as, "Demolish dilapidated garages and build 3 garages and storage, and change of use of field to allow garages to be built".
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The appellant submitted plans not supplied by the Council, including CTC/10H, CTC/12F, CTC/20G, and CTC/30. Some of these plans contain differences from those supplied by the Council. However, these differences are very minor and do not substantially alter the nature of the proposal. I am satisfied that the parties' interests would not be prejudiced by these plans being considered. Aside from the plans superseded by those mentioned above, I have considered all the other plans submitted, which include, amongst others, OS/1250 (Rev A), CTC/21G, and CTC/31G. I have also considered all the additional supporting evidence submitted by the appellant.
3. During the course of the appeal the revised National Planning Policy Framework (the Framework) was published. The main parties were provided with an opportunity to comment and I have taken any made into account. I have had regard to the 2021 version of the Framework in my decision.

Main Issue

4. The main issue in this appeal is the effect of the proposal on the character and appearance of the host property and the area.

Reasons

5. The site comprises Cherry Tree Cottage, a large characterful 2-storey detached house set within a long elongated plot in the open countryside. Garages and sheds are located near the access to the road. A derelict building is present in the field to the east of the site. The frontage of the site is bounded by mature vegetation and trees. The existing single-storey garages, proposed to be demolished, are subservient in scale to Cherry Tree Cottage.

6. The proposal would clear the dilapidated garages from the site. A new structure would be erected, comprising 3 garages and storage. The materials for the proposed new structure, including timber cladding, would complement Cherry Tree Cottage and would provide the new structure with a pleasant aesthetic. Additionally, the proposed change of use of the land, and the amount of soft landscaping (including trees) to be retained, would be appropriate for this location.
7. Nevertheless, whilst the appellant has calculated that the proposed new structure would be approximately 31% of the footprint of Cherry Tree Cottage, and would be consistent with the footprint of the existing garages, it would be a particularly tall and wide structure. The combination of its scale, bulk and massing would create an overly-large building in visual terms, in comparison with Cherry Tree Cottage. The resulting lack of subordination to Cherry Tree Cottage would harm the character and appearance of that property.
8. The proposal is not for a new dwelling and it would not require a new access to be created. Its intended purpose, which includes garaging for vehicles, storage, and animal feed stores, has been made clear. Nevertheless, its 2 front dormers, 2 rear dormers and the large triangular window on the west elevation would collectively create an overtly domestic appearance. The proposed external staircase would do little to diminish this domestic appearance.
9. Accordingly, although it would be set-back slightly from the road and the site is not overlooked by any neighbouring properties, its domestic appearance in this location would noticeably jar with the character and appearance of both Cherry Tree Cottage and the street scene. As it would appear out-of-place in this location it would undermine the character and appearance of the local area. The soft landscaping (including trees) to the frontage of the site could be removed at any time, either by present or future occupiers, and so cannot be relied upon to mitigate the harm identified.
10. I have had regard to the examples of structures in the surrounding area, identified by the appellant, including at Dower House, Cloatley End, which I observed from the road. However, from the evidence before me it appears that they are materially different from the appeal proposal in terms of their detailed designs and their positions relative to the road. As they are not sufficiently comparable to the proposal, they do not change my findings on this main issue.
11. The Council have referred to the wider context, but due to the scale of the proposal the harmful impacts identified would be confined to the local area, and it would have a neutral effect on the wider landscape. In this respect, the proposal would comply with Core Policy 51 of the Wiltshire Core Strategy (adopted 2015) (Core Strategy) which provides that, amongst other things, development should protect, conserve and where possible enhance landscape character. Even so, this does not set aside the harm that the proposal would cause to the character and appearance of the local area, identified above.
12. I therefore find that the proposal would have an unacceptable and harmful effect on the character and appearance of the host property and the area. Thus, the proposal would conflict with Core Policy 57 of the Core Strategy which provides that, amongst other things, development is expected to create a strong sense of place through drawing on the local context and being complementary to the locality. The proposal would also conflict with paragraph

130 of the Framework which provides that, amongst other things, planning decisions should ensure that developments are sympathetic to local character.

Other Matters

13. The appeal proposal has attempted to respond to the issues raised in the pre-application advice, provided by the Council. I note the lack of objections from technical consultees, local residents, and Hankerton Parish Council, but the harm identified on the main issue would persist notwithstanding the lack of objections from these parties. The appellant has also referred to the conduct of the Council during the processing of the planning application, but this is not a matter that I can assess in the context of a planning appeal. As these are all neutral matters, they do not weigh in favour of the proposal.
14. The proposal would remove the existing dilapidated garages on site and would provide a number of benefits for the appellant, including garaging for vehicles, additional storage, storage for animal feed, additional car parking spaces, and a larger vehicular turning space in the yard. However, as these would mainly be private benefits, collectively they have been given limited weight. Therefore, I find that the matters advanced in support of the proposal, do not, either individually or collectively, outweigh the harm identified, nor the conflict with the development plan.

Conclusion

15. For the reasons given above, having considered the development plan as a whole, the approach in the Framework, and all other material considerations, the appeal is dismissed.

Alexander O'Doherty

INSPECTOR