



Appeal Decision

Site visit made on 29 March 2022

by A Tucker BA (Hons) IHBC

an Inspector appointed by the Secretary of State

Decision date: 06 April 2022

Appeal Ref: APP/P0119/W/21/3288614

Bacon Cottage, The Plain, Hawkesbury Upton, S Glos, GL9 1AT

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a failure to give notice within the prescribed period of a decision on an application for planning permission
 - The appeal is made by Mr and Mrs Adrian Creeper against South Gloucestershire Council.
 - The application Ref P21/03968/F is dated 24 May 2021.
 - The development proposed is demolition of existing conservatory, construction new studio / home office, construction new entrance lobby.
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Decision

1. The appeal is dismissed, and planning permission is refused for the demolition of existing conservatory construction new studio / home office, construction new entrance lobby.

Applications for costs

2. An application for costs was made by Mr and Mrs Adrian Creeper against South Gloucestershire Council. This application is the subject of a separate Decision.

Preliminary Matters

3. The appeal results from the Council's failure to determine the planning application within the prescribed period. There is no formal decision on the application, as jurisdiction over that was taken away when the appeal was lodged. The Council has not submitted an officer report or statement. I therefore do not have anything before me to inform me of the Council's view of the proposal.
4. The Council has not submitted copies of any local development plan policies that it considers to be relevant to the proposal. I have extracts of some policies from the appellants, however I cannot be sure if these are full extracts and I do not have copies of any supporting text. I will therefore need to determine the appeal on the basis of national planning policy.
5. On 20 July 2021, after the application was submitted to the Council, the Government published its revised National Planning Policy Framework (the Framework). I am satisfied that the changes are not significant in relation to the appeal proposal and do not consider it necessary to invite further comments from the parties on this matter.
6. I have used a different postcode for the site address as it is more accurate than the postcode entered on the application form.

7. An additional plan was submitted with the appeal. It does not have a plan number. It gives more detail for the large opening on the east elevation of the proposed two storey extension, showing it as a timber boarded door with a small area of glazing. I am not satisfied that this constitutes an amendment as there was no indication of materials for this door on the initial plan (Ref 1376 3 Rev B). As this plan provides additional detail rather than seeks to alter the scheme I do not consider the interests of any party to be prejudiced if I take it into account. I shall therefore determine the appeal on this basis.

Main Issues

8. On the basis of my assessment of the proposal and my observations on site I am of the view that the main issues that I should consider are the proposal's impact upon:
- a) the living conditions of the occupiers of neighbouring dwellings, known as The Cottage and Hilbert, with regard to privacy and outlook, and
 - b) the character and appearance of the existing dwelling and the area, including the Hawkesbury Conservation Area.

Reasons

Living conditions

9. The proposed two storey extension would be at the northeast corner of the plot and would extend the dwelling towards the garden at the rear of The Cottage, and in front of the front garden of Hilbert.
10. The large east facing opening would face directly towards the rear garden of The Cottage. At my visit to the site I could see that this was a pleasant private space. The full height opening would be much larger and would be much closer to the neighbouring garden than the existing east facing window.
11. The proposed east facing elevation is shown on drawing Ref: 1376 3 Rev B. The central opening is without the vertical lines that are shown on the adjacent areas of wall, which give the impression that it might be entirely glazed. However, this is not specifically stated within the submission. A further drawing shows this opening as a boarded door with a small aperture. On the basis of this additional detail, the small area of glazing could be obscured, which would prevent anyone in the room from looking out through the glass towards the neighbouring garden when the door is closed.
12. However, the drawings clearly show that this aperture would serve as an inward opening door. No explanation is given as to why a full height door at first floor level is proposed. In an elevated position an opening such as this would normally be accompanied with a balustrade to make it safe, but this is not shown on the drawings. When open, persons using the proposed first floor room would have a clear view across most of the rear garden of The Cottage at close range. This would have a significant adverse impact on the privacy currently enjoyed by the occupiers of this adjoining dwelling.
13. There would also be a modest impact on the privacy of the front garden of Hilbert. However, this dwelling benefits from an extensive private garden at the rear, which would be unaffected by the proposal. Overlooking from the proposed opening towards windows at the front of Hilbert would be minor,

taking into account the relative angles of the east facing end of the proposed extension and the south facing front elevation of Hilbert.

14. In the event that the appeal is allowed it would be unreasonable to impose a condition to require the aperture to be fixed shut as the opening is shown and annotated on the drawings as a door. Such a condition would alter the proposal, beyond what has been applied for.
15. There is a significant distance between the area of the proposed extension and the front of Hilbert. The proposal would not impact meaningfully on daylight reaching this property, certainly not to the extent that the living conditions of the occupiers of the dwelling would be harmed.
16. The rear of the proposed two storey extension would be highly visible from the front of Hilbert and the south facing window of the living room at its western end. I do accept that this would be a change that would be significant to the occupiers of this dwelling, however it would not be so close or so large that outlook from this room would be dominated by the proposed extension.
17. The step down at ridge level and the use of timber boarding would break up the mass of the appeal building's rear elevation, lessening its prominence, and views alongside the extension would still be possible from Hilbert towards The Cottage and the roofs of the buildings beyond. At my visit to Hilbert I was able to see that it benefits from a pleasant outlook at the rear over a large area of private garden that would not be impacted by the proposal. For these reasons, although there would be an impact, I am not of the view that it would be so significant that the living conditions of the occupiers of Hilbert would be harmed.
18. In summary, the proposal would have a significant adverse impact on the living conditions of the occupiers of The Cottage. It would not accord with paragraph 130 f) of the Framework, which seeks to ensure that development proposals create places with a high standard of amenity for existing users.

Character and appearance

19. The appeal site is within the Hawkesbury Conservation Area (HCA). The statutory duty set out in Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 (LBCA) requires special attention to be paid to the desirability of preserving or enhancing the character or appearance of a Conservation Area.
20. The HCA covers the core of the village, which is where the appeal site is located. The area includes a mix of mainly vernacular 17th and 18th century buildings that are centred on The Plain, which would have served as the market place for the settlement. Most buildings in the area are built in local natural stone with some stone roof slates, which gives the area a consistent overall colour. The domestic scale and form of its vernacular buildings, the consistent use of materials and the area of the historic market place are key positive contributors to the character and appearance of the HCA.
21. The single storey link extension would be contained within the courtyard garden. It would not be visible from High Street. It would be possible to glimpse it from the driveway to the east, but in this view it would be set well back, beyond much more substantial structures, and would not be prominent to

- view. This element of the proposal would not therefore harm the character or appearance of the HCA.
22. The proposed two storey extension would extend towards the outer edge of the plot. It would have a simple traditional form, with a lower ridge height than the existing building and its front elevation would be set back behind the existing front elevation. These details would give it a subservient form that would retain the identity of the existing building. From the immediate area it would form part of the eclectic mix of buildings that extend up to the driveway edge, and would not appear out of place.
23. I accept that the vertical larch boarding would be different than the materials of the existing dwelling and the materials used commonly in the area. However, it would serve to break up the mass of the extension, and, if left to weather down, would sit well amongst the natural hues of the local stone. Furthermore, timber boards are used on the garage immediately to the south, in a much more prominent position relative to the highway.
24. When viewed from The Plain and the area around the war memorial the extension would be set back, behind the existing garage. Part of its roof and wall would be visible. Built form in the immediate area is not limited to that which fronts the road. It extends back from the road in various forms with buildings set closely behind each other. The proposal would add to this layering and would not appear out of place.
25. From a limited perspective from the south it is possible to see the upper parts of some distant trees when looking north, beyond the appeal site. The view of these trees would be restricted by the proposal. However, the current view of the trees is limited and incidental. The tops of the tree canopies are viewed behind and beyond the various buildings. When looking north it is these buildings that form the main components of the view, and define the northern edge of the historic market place. For these reasons I am not satisfied that a view of the tops of these distant tree canopies, which would be modestly reduced by the proposal, is integral to the character and appearance of The Plain or the HCA.
26. In summary, the proposal would preserve the character and appearance of the building and the area, including the HCA. It would thus accord with the requirements of the LBCA and paragraph 199 of the Framework, which states that great weight should be given to the conservation of heritage assets. It would also accord with paragraph 130 of the Framework, which states that developments should be visually attractive and sympathetic to local character.

Conclusion

27. Although I have found that the proposal would preserve the character and appearance of the building and the area this is a neutral matter that cannot weigh in favour of the proposal and outweigh the harm I have identified to the living conditions of the occupiers of the neighbouring dwelling. The appeal should be dismissed, and planning permission should be refused.

A Tucker

INSPECTOR