
Appeal Decision

Site visit made on 29 March 2022

by Alison Fish BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 5 May 2022

Appeal Ref: APP/D1265/W/21/3286836

Barnwheel House, 52 Gravel Lane, Charlton Marshall, Dorset DT11 9NS

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant consent, agreement or approval to details required by a condition of a planning permission.
- The appeal is made by Mr and Mrs Skakich against the decision of Dorset Council.
- The application Ref P/RM/2021/00096, dated 21 January 2021, sought approval of details pursuant to condition No 1 of a planning permission Ref 2/2018/0078/OUT, granted on 13 March 2018.
- The application was refused by notice dated 28 May 2021.
- The development proposed is an application for approval of reserved matters for appearance, landscaping, layout and scale in relation to outline approval 2/2018/0078/OUT.
- The details for which approval is sought are: appearance, landscaping, layout and scale.

Decision

1. The appeal is allowed and the reserved matters are approved, namely appearance, landscaping, layout and scale details submitted in pursuance of condition No 1 attached to planning permission Ref 2/2018/0078/OUT dated 13 March 2018, subject to conditions set out in the attached schedule.

Preliminary Matters

2. Outline planning permission for a dwelling, including approval of access to the site, was granted in 2018. The principle of residential development on the site and the suitability of the site access has therefore been established and are not matters before me. The reserved matters application, which is the subject of this appeal, seeks approval of the proposed layout, scale, appearance and landscaping of the proposal.
3. Condition 4 on the outline planning permission requires that the development is carried out in accordance with the approved drawings. Those drawings indicate that the siting of the appeal dwelling would be parallel to Gravel Lane in place of the existing building on site. The proposal the subject of this appeal, is for a dwelling to be sited perpendicular to Gravel Lane. This would conflict with condition 4. However, it is clear from the Council's Officer Report that the revised siting is acceptable in principle. Indeed, the Council have approved an alternative reserved matters application¹ for a dwelling in the same location as the dwelling subject to this appeal. Therefore, given that layout is a reserved matter, I have proceeded to determine the appeal on the basis that this revised siting is acceptable to the main parties.

¹ Ref: P/RES/2021/02990

4. The appeal site is not within the Charlton Marshall Conservation Area but the southern boundary of the appeal site forms part of the northern boundary of it.

Main Issue

5. The main issue is the effect on the character and appearance of the Charlton Marshall Conservation Area (CA).

Reasons

6. The CA envelops a large proportion of the settlement. The church is the central focal point being bordered by the River Stour and surrounded by green open space. Spreading outwards from the church are pockets of traditional buildings with pitched roofs of tile, slate and thatch. Large parts of the CA contain more recent twentieth century development but these also tend to have pitched roofs under tile or slate. This mix of built form together with boundary walls, established trees and green open spaces are key features of the character and appearance of the CA.
7. Gravel Lane has pockets of traditional dwellings linked or enclosed by boundary walls, both of which are located at the edge of the roadway. This gives the lane an enclosed feel. The height, size and materials of construction of the dwellings vary such that there is no overall uniformity. There are also more modern properties on, or accessed from, Gravel Lane but these tend to be set back behind mature planting. Nonetheless, these add to the eclectic mix of dwellings on Gravel Lane from traditional thatched dwellings and terraced cottages to twentieth century bungalows with eyebrow dormers and large detached dwellings. The overall character is defined less by the style and design of the properties and more from the positioning of the dwellings, boundary walls and the abundance of trees which leads to an enclosed, verdant and rural feel.
8. Paragraph 206 of the Framework states that proposals which preserve the elements of the setting of a heritage asset that make a positive contribution to it, should be treated favourably. Consequently, I have considered whether the significance of the CA would be affected by the proposed development outside it. In this respect, I have had regard to Historic England's Historic Environment Good Practice Advice in Planning Note 3 (published December 2017), 'The Setting of Heritage Assets'.
9. It is clear that the Council do not object to the design of the dwelling per se but rather the context. I accept that the construction of a two storey dwelling clad in corrugated metal with a mono-pitch roof introduces a material and design which is not commonly found on dwellings elsewhere in the CA. My attention has been drawn to various buildings on the appeal site and in the vicinity which have mono-pitch corrugated roofs but these tend to be outbuildings which are subservient to the main dwelling.
10. However, I found at my site visit that the construction of a new dwelling was underway on the site immediately to the north of the appeal site and that this had a curved corrugated roof. Whilst I note that this lies further from the boundary of the CA than the appeal site, it nonetheless adds to the mix of design and materials experienced in Gravel Lane.
11. Paragraph 130 of the National Planning Policy Framework requires developments to add to the overall quality of the area, be visually attractive and sympathetic to local character while not preventing or discouraging

appropriate innovation or change. In this respect, I find that the proposal utilises a material which although not prevalent, can be found elsewhere in the CA. In this case, it would be used in a contemporary way, adding to the variety of built forms in the CA.

12. The siting of the dwelling well back on the site together with the substantial boundary wall running along the southern boundary of the site, would limit its visual impact from the wider area and as such, it would not detract from the appearance of Gravel Lane.
13. As such, I find that the significance of the CA would not be affected by the appeal proposal. Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires that I pay special attention to the desirability of preserving or enhancing the character or appearance of the CA. In this regard, I conclude that the impact of the appeal proposal on the character and appearance of the CA will be neutral and as such, it would be preserved.
14. Paragraph 201 of the Framework refers to proposals which would lead to substantial harm to a designated heritage asset and given my findings above, I do not consider it necessary to consider this further.
15. I therefore conclude that the appeal proposal would not conflict with Policies 5 and 24 of the North Dorset Local Plan Part 1 2011-2031 (dated January 2016) insofar as they seek to ensure that development is designed to improve the character and quality of the area and that it sustains and enhances the significance of heritage assets. In addition, I find no conflict with paragraphs 130 and 206 of the Framework.

Conditions

16. The Council have provided a list of conditions which the appellant's have indicated their agreement to. As such, I have imposed a condition requiring that the development is carried out in accordance with the approved plans. This is in the interests of certainty. I have imposed conditions requiring the submission of details relating to the materials of construction and landscaping in the interest of visual amenity. I have also attached a condition requiring the provision of the parking and turning areas on site in the interests of highway safety. Finally, I have attached a condition restricting new window and door openings given the proximity of neighbouring properties. I have amended slightly the wording of some of the conditions so that they comply with the six tests set out in the Planning Practice Guidance (PPG). None of these amendments change the overall aims of the affected conditions.
17. I have not attached the standard time limit condition as this is already set out in condition 3 of the outline and is therefore unnecessary.
18. The PPG is clear that conditions can only be imposed which relate to the reserved matters being approved. For this reason, I have not attached conditions relating to drainage and contamination as these matters fall outside the scope of the reserved matters.

Conclusion

19. For the reasons given above, having considered the development plan as a whole, the approach in the Framework, and all other relevant material considerations, I conclude that the appeal should be allowed.

Alison Fish

INSPECTOR

Schedule of Conditions

- 1) The development hereby permitted shall be carried out in accordance with the following approved plans numbered: 001B, 002F, 003, 004, 005, 006 and 007.
- 2) Prior to development above damp proof course level, details and samples of the materials to be used in the construction of the external surfaces of the dwelling hereby permitted shall be submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details and samples.
- 3) Prior to the installation of any doors or windows in the dwelling hereby approved, full details of both hard and soft landscape works shall have been submitted to and approved in writing by the local planning authority. The hard and soft landscaping works shall be carried out in accordance with the approved details within the first planting season following first occupation of the dwelling hereby approved. If within a period of 5 years from the date of the planting any tree or plant die, are removed or become seriously damaged or diseased it shall be replaced in the next planting season by another tree or plant of a similar species and size.
- 4) Prior to the first occupation of the dwelling hereby approved, the parking and turning areas shown on drawing no: 002F shall be constructed as shown. Thereafter, these areas shall be kept available at all times for those purposes.
- 5) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 as amended (or any order revoking and re-enacting that Order with or without modification), no windows or other openings other than those expressly authorised by this permission, shall be constructed in any elevations of the dwelling hereby approved.

End of Schedule