



Appeal Decision

Site visit made on 10 May 2022

by G Bayliss BA (Hons) MA MA MRTPI IHBC

an Inspector appointed by the Secretary of State

Decision date: 23rd June 2022

Appeal Ref: APP/E3715/W/22/3290513

Home Farm, Main Street, Brandon CV8 3HW

- 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 James Cannon against the decision of Rugby Borough Council.
 - The application Ref R21/0794, dated 12 August 2021, was refused by notice dated 24 November 2021.
 - The development proposed is the formation of new highway access, construction of new 3 bed dwelling and garage together with garage to Home Farm.
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Decision

1. The appeal is allowed and planning permission is granted for the construction of a three bedroom dwelling and garage, together with a garage for Home Farm, and the formation of a new highway access, subject to the conditions set out in the attached schedule.

Preliminary Matter

2. I recognise that the Council has included design in their reason for refusal. However, in the Council's Delegated Report the design and appearance of the proposed dwelling and garages, viewed in isolation from the location within the site, are considered acceptable. As there is no evidence before me to substantiate this part of the reason for refusal, I have not pursued this matter further.

Main Issue

3. The main issue is the effect on the character and appearance of the surrounding area, including the character or appearance of the Brandon Conservation Area.

Reasons

4. Home Farm is a prominent historic building located on the corner of Main Street and The Close. Planning permission has recently been granted for a dwelling within its curtilage adjoining the Main Street frontage and this is currently under construction. The property retains a sizeable rear garden with a frontage to The Close and an off-set portion extending in a south-westerly direction largely enclosed by adjoining residential properties. Home Farm is accessed via a drive on Main Street, near to the junction with The Close, and it has a separate access from The Close which enters a yard area, partly enclosed by an L-shaped range of single storey outbuildings.

5. The proposed dwelling would be located in the off-set portion of the rear garden, set deep within its curtilage. It is a largely flat site with high boundaries and mature vegetation around the perimeter and some individual trees within more central parts of the garden. Despite the proximity of neighbouring dwellings, it has a feeling of isolation. The proposed dwelling would be accessed via a new entrance from The Close, alongside the boundary with Long Meadow, and would require the demolition of the L-shaped range of outbuildings associated with Home Farm. Separate garages are proposed for both the new dwelling and Home Farm which would be situated near to the existing and new entrance off The Close.
6. Home Farm, including the appeal site, is situated within the Brandon Conservation Area. In accordance with the statutory duty set out in Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990, I have paid special attention to the desirability of preserving or enhancing the character or appearance of the Conservation Area. This is a matter of considerable importance and weight.
7. I have had regard to The Brandon Conservation Area Appraisal (undated) and on my site visit noted the village's mixed character. Whilst the historic form of the village is predominantly characterised by traditional buildings fronting the main roads, several more recent cul de sac developments have opened up the linear enclosure in places along the street frontage introducing more depth to the settlement form. Also, I noted recent infill residential development amongst some of the older buildings.
8. The appellant has provided examples of relatively recent infilling within the village, some visible on the road frontages and others which are only visible from their access tracks, set behind other properties. Although I do not have all the details of these developments, they demonstrate that not all recent infill dwellings have a recognisable street frontage, and they may be to the rear of plots or remote from their access points. As a consequence, the traditional, linear settlement pattern has become more varied and is relatively compact in some areas.
9. Home Farm and the garden land immediately behind it retains its historic legibility within the streetscape, contributes positively to the character and appearance of the Conservation Area and its significance as a heritage asset. However, its wider curtilage has been encroached on all sides by more recent residential development, including development associated with two cul de sacs, and this has significantly impacted the traditional settlement form in the immediate area. The encroachment of modern development is particularly apparent around the site of the proposed dwelling where development has hemmed in this off-set section of garden. The recent granting of planning permission for the additional dwelling alongside Home Farm has exacerbated the physical and visual isolation of this part of garden from Home Farm. In my view, the off-set portion of garden appeared to play no part in contributing to the setting of Home Farm or helping to define the traditional form of the settlement in the area, and I have seen no evidence to the contrary.
10. I recognise that the proposed dwelling would have no street frontage and would be remote from its access at The Close but that does not necessarily make development on this site harmful, and I have already noted examples of similar developments elsewhere. Furthermore, no issues have been raised in

relation to the access, demolition of the outbuildings or the design, appearance, size and scale of the dwelling and garages. Therefore, as a result of the modern development enclosing this curtilage, disrupting the historic settlement form, examples of nearby infill development, and the isolated nature of the off-set section of garden, based on the specific circumstances of this site, I cannot see any objection in principle to this development.

11. I have viewed the site from the surrounding area and consider that even with the new access and demolition of the outbuildings opening up the frontage from The Close, the proposed dwelling would not be readily visible from the streetscene. There may be limited views from The Close, but these would be distant and to some extent screened by mature vegetation and buildings. Given the acceptability of the design, materials, size and scale, any views of the dwelling would allow it to assimilate into its surrounding context.
12. For the reasons given above, I consider that the proposal would avoid harmful effects on the prevailing form of development in the immediate locality and would not harm the character or appearance of the Brandon Conservation Area, nor harm its significance. Neither would it set a precedent for other development as each would be considered on its individual merits and the circumstances specific to each site.

Other Matters

13. I note that the occupant at Long Meadow has objected to the proposed height of the boundary wall, considering that if it is too low it will affect privacy, security and allow noise and disturbance. The appellant is agreeable to a landscaping condition to secure appropriate boundary treatment to deal with these matters and this can be dealt with through Condition No.5
14. I have had regard to other matters including potential overlooking, access, parking, loss of wildlife and trees. Ultimately, the Council does not oppose the proposal on grounds other than those set out in the main issue and, taking account of the evidence before me, I have not identified other matters of such significance as to result in further benefits or harms to be factored into the planning balance.

Conditions

15. A condition requiring the development to be carried out in accordance with the approved plans is necessary in the interests of certainty.
16. A condition requiring an archaeological scheme of work is required to take account of the potential for the site to contain archaeology. It is necessary that this is a pre-commencement condition in order to ensure that any archaeological findings are not disturbed.
17. Conditions regarding materials, landscaping, boundary treatments and tree protection measures are necessary in the interests of protecting the character and appearance of the area and the living conditions of occupiers of adjacent dwellings.
18. A condition regarding operational hours for the construction period is required to protect the living conditions of surrounding residents, and conditions regarding an electric vehicle charging point and controlling water consumption

is necessary in the interests of environmental protection. A condition is also necessary to secure internet connection for future occupants.

19. Conditions are required to ensure that parking provision is retained for the host dwelling (Home Farm) and the proposed new dwelling, and to make provision for a suitable site access, in the interests of highway safety.
20. The Council has suggested restricting permitted development rights to prevent further alteration of the proposed dwelling or development within the curtilage without prior planning permission being obtained. The Planning Practice Guidance says that planning conditions should not be used to restrict permitted development rights unless there is clear justification to do so. I have no substantive evidence why the restriction of classes A, D, E and F are necessary given the degree of privacy that the proposed dwelling will enjoy. Accordingly, the suggested condition is unnecessary and unreasonable and would not therefore meet the tests for conditions set out in the 2021 National Planning Policy Framework (the Framework). I do, however, consider that it is reasonable and necessary to place a restriction on additional windows above ground floor level and dormer windows in order to prevent overlooking of neighbouring gardens and this permitted development rights restriction is secured by condition.
21. I have made some changes to the suggested conditions and timings for the submission of information in the interests of clarity and consistency, and to ensure compliance with the Framework and Planning Practice Guidance.

Conclusion

22. The proposed development would have no harmful effect on the character and appearance of the surrounding area, including the character or appearance of the Brandon Conservation Area. It would therefore accord with Policies SDC1 and SDC3 of the Rugby Borough Council Local Plan (2019) which seek to ensure that developments add to the quality of the area, respond to local character, and preserve the significance of heritage assets. It would also accord with guidance in the Framework relating to designated heritage assets.
23. For the reasons given above, having considered the development plan as a whole and the Framework, and taking into account all other matters raised, I conclude that the appeal should be allowed.

G Bayliss

INSPECTOR

SCHEDULE OF CONDITIONS

- 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans: Location and Block Plan 3721-HBA-DR-A-008 (Rev B), Site Layout 3721-HBA-DR-A-011 (Rev C), Scheme Design 3721-HBA-DR-A-009 (Rev A), Garage Scheme 3721-HBA-DR-A-010, Tree Survey and Arboricultural Impact Report (P. Jackson, Version 2), Tree Survey Plan (1) and Pre-commencement Tree Protection Plan (2) both dated 7th April 2021.
- 3) No development shall take place until:
 - a) A written Scheme of Investigation (WSI) for a programme of archaeological evaluative work has been submitted to and approved in writing by the Local Planning Authority (LPA).
 - b) the programme of archaeological evaluative fieldwork and associated post-excavation analysis and report production detailed within the approved WSI has been undertaken. A report detailing the results of this fieldwork, and confirmation of the arrangements for the deposition of the archaeological archive, has been submitted to the LPA.
 - c) An Archaeological Mitigation Strategy Document (including Written Scheme of Investigation for any archaeological fieldwork proposed) has been submitted to and approved in writing by the LPA. This should detail a strategy to mitigate the archaeological impact of the proposed development and should be informed by the results of the archaeological evaluation.

The development, and any archaeological fieldwork, post-excavation analysis, publication of results and archive deposition detailed in the approved documents, shall be undertaken in accordance with those documents.
- 4) No development above ground shall commence until details of the materials to be used in the construction of the external surfaces of the proposed dwelling and garages hereby permitted have been submitted to and approved in writing by the LPA. Development shall be carried out in accordance with the approved details.
- 5) No development above ground shall commence until details of both hard and soft landscape works including boundary details and tree planting have been submitted to and approved in writing by the LPA. The approved landscaping works shall be fully implemented within one year of either first occupation or its substantial completion, whichever is the sooner, and shall be maintained thereafter.
- 6) No development above ground shall commence until a detailed schedule of enhancement measures (to include all aspects of landscaping including native species planting, including species proposed and a brief management plan, and details of any habitat creation such as ponds and species-specific enhancements such as hedgehog highways, bird and bat boxes provided) has been submitted to and approved in writing by the LPA. Such approved enhancement measures shall thereafter be implemented in full.

- 7) All tree protection measures identified within the approved Tree Survey and Arboricultural Impact Report and Tree Protection Plan relating to the approved design details must be implemented prior to the construction phase and to the satisfaction and written approval of the LPA. Protective measures must remain in place until the completion of all construction works. No retained tree shall be cut down, uprooted or destroyed, nor shall any retained tree be pruned in any manner, be it branches, stems or roots, other than in accordance with the approved plans and particulars.
- 8) Prior to the first occupation of the dwelling hereby approved, occupants shall be provided with the facility to enable broadband internet connection.
- 9) The accommodation for parking 2 vehicles (to include 1 space within the garage, positioned within the curtilage of the approved new dwelling) shall be provided for the new dwelling, in accordance with the approved Site Layout before the occupation of the development hereby permitted. Thereafter the provision for parking shall be retained for the vehicles of those living in or calling at the premises and shall not be used for any other purpose.
- 10) The accommodation for parking 3 vehicles (to include 1 space within the 'Home Farm' garage) shall be provided for the existing dwelling, Home Farm, in general accordance with the approved Site Layout before the occupation of the development hereby permitted. Thereafter, the provision for parking shall be retained for the vehicles of those living in or calling at the premises and shall not be used for any other purpose.
- 11) Access to the site for cars shall not be used in connection with the development until it has been surfaced with a bound macadam material for a distance of 7.5 metres as measured from the near edge of the public highway carriage in accordance with details to be approved in writing with the LPA.
- 12) The access to the site shall not be constructed in such a manner as to reduce the effective capacity of any drain or ditch within the limits of the public highway.
- 13) The access to the site for cars used in connection with the development shall not be used unless a public highway footway crossing has been laid out and constructed in accordance with the standard specification of the Highway Authority.
- 14) The dwelling hereby approved shall incorporate measures to limit water use to more than 110 litres per person per day within the home in accordance with the optional standard 36 (2b) of Approved Document G of the Building Regulations 2010 (as amended).
- 15) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any other revoking, replacing and re-enacting that Order with or without modification) Classes B and C, no windows above ground floor level or dormer windows, other than those specified within the approved scheme, shall be constructed.