



Appeal Decision

Site visit made on 23 November 2022

by D J Barnes MBA BSc(Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State for Housing, Communities and Local Government

Decision date: 13th December 2022

Appeal Ref: APP/J0405/D/22/3304361
53 Main Street, Mursley MK17 0RT

- 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 G Naprus against the decision of Buckinghamshire Council.
 - The application Ref 20/04277/APP, dated 14 December 2020, was refused by notice dated 25 July 2022.
 - The development is the demolition of an outhouse and replace outhouse with garage and car port.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. As part of the appeal application, the appellant submitted an incorrect site location plan to the Council. A corrected site location plan was submitted before the determination of the appeal application to show the siting of the development as erected. For the avoidance of doubt, the amended drawing has been used as the basis to determine this appeal.
3. The original outbuilding has been demolished and the new outbuilding has been erected.

Main Issues

4. It is considered that the main issues are (a) whether the development preserves or enhances the character or appearance of the Mursley Conservation Area and (b) the effect of the development on the living conditions of the occupiers of the neighbouring properties.

Reasons

Conservation Area

5. The development includes an outbuilding erected within a large rear garden comprising a garage and a covered element currently used for storage purposes but could function as a carport as shown on the submitted drawing. The outbuilding is predominantly of timber construction but has a steeply pitched grey metal sheeted roof. At eaves level is a dormer window facing towards the rear garden.
6. The appeal site is situated within the Mursley Conservation Area where there is a statutory duty to preserve or enhance the character or appearance of the

area. This duty is echoed in Policy BE1 of the Vale of Aylesbury Local Plan (VALP). The Conservation Area is linear in form, extending primarily along Main Street, generally comprising residential properties fronting the roads thereby creating a sense of enclosure which is augmented by front walls and hedges. The majority of the buildings are constructed of brick with red clay tiled roofs albeit there are some properties with slate roofs. There are outbuildings to the rear of some of the dwellings and their materials reflect those of the host dwellings. These other outbuildings are generally single storey in height and have gently pitched roofs albeit there are examples of taller buildings.

7. For freestanding garages, the Council's *Residential Extensions Design Guide* refers to such buildings being designed to relate to the house, built of similar materials and with a similar, or steeper roof pitch, being preferred. Although the appeal scheme's timber clad walls and poles do not reflect the predominance of brick walls within the Conservation Area, it is a suitable material for garages as referred to in the Council's *Building Materials Design Guide* and echoes the boarding associated with the host dwelling's external rear wall.
8. Although the pitch of the outbuilding's roof is steeper than the host dwelling, this has the effect of creating a tall building with an eaves to ridge height which is greater than the ground floor timber clad walls. By reason of size, the roof appears out of proportion with the ground floor element. Further, the choice of roof covering is materially at odds with the predominance of red clay tiled roofs within the Conservation Area. The outbuilding's roof also possesses a utilitarian appearance which does not respect the local distinctiveness and vernacular character of the locality as required by VALP Policy BE2.
9. The footprint of the outbuilding is large but it sits with an extensive garden and there is not the impression of the curtilage being overdeveloped. By reason of the separation distance, the appeal scheme does not visually or physically compete with the design or scale of the host dwelling. However, because of its height and the utilitarian grey metal sheeted roof the outbuilding is a visually prominent feature, including when viewed from neighbouring gardens and Main Street through the gap between Nos. 59 and 61, which fails to preserve or enhance the character and appearance of the Conservation Area.
10. For the same reasons, the appeal scheme causes less than substantial harm to the significance of the designated heritage asset. Both VALP Policy BE1 and the National Planning Policy Framework require that where a development proposal leads to less than substantial harm to the significance of a designated heritage asset then this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use. However, there are no specific public benefits associated with the development with the main purpose being to provide replacement ancillary accommodation. The unacceptable harm to the Conservation Area associated with the grey metal sheeting of the outbuilding's roof and its overall height are not outweighed by the provision of the ancillary accommodation.
11. On this issue it is concluded that the development fails to preserve the character and appearance of the Mursley Conservation Area and, as such, it conflicts with VALP Policies BE1 and BE2.

Living Conditions

12. The appeal scheme is located at the end of the rear gardens of 55 to 59 Main Street which are modest sized terraced dwellings. These dwellings have rear elevations facing towards the appeal scheme which include windows serving habitable rooms.
13. The appellant refers to the Council's guidance that there should be a 14-metre separation distance between the front and back of 2-storey buildings to maintain an acceptable level of amenity. The outbuilding is not a 2-storey building but its overall height is such that it is more than a single storey building. A separation distance of over 14 metres from the original rear walls of Nos. 55 to 59 to the outbuilding is shown to be exceeded at first floor level but no distances are provided at ground floor level, including from the windows within the rear elevations of the extensions which have been erected. From what was observed, the separation distance from the windows within the extensions is potentially less than 14-metres
14. Adjacent to the shared boundary between these neighbouring properties and the appeal site are trees within the gardens which afford some screening from the rear facing windows and garden of the outbuilding. However, there can be no certainty these trees would be retained at a future date and, as such, limited weight is given to this vegetation as a means of screening the outbuilding, in particular its roof.
15. Although the roof slopes away from the shared boundary, by reason of height and the choice of external materials for the roof, the appeal scheme is a visually dominant and overbearing form of development in the outlook of the occupiers of Nos. 55 to 59 from their ground floor windows and modest sized rear gardens. Accordingly, on this issue, it is concluded that the development causes unacceptable harm to the living conditions of the occupiers of neighbouring properties and, as such conflicts with VALP Policy BE3 which refers to development not unreasonably harming any aspect of the amenity of existing residents.
16. Accordingly, for the reasons given, it is concluded that this appeal should be dismissed.

D J Barnes

INSPECTOR