
Appeal Decision

Site visit made on 4 January 2023

by Penelope Metcalfe BA(Hons) MSc DipUP DipDBE MRTPI IHBC

an Inspector appointed by the Secretary of State

Decision date: 20 January 2023

Appeal Ref: APP/D1265/D/22/3310544

Stanvi, Water Lane, Winterborne Houghton, Dorset, DT11 0PE

- 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 Terry House against the decision of Dorset Council.
 - The application Ref P/HOU/2022/03248, dated 23 May 2022, was refused by notice dated 19 August 2022.
 - The development proposed is timber summerhouse/office/gym/lady cave.
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Decision

1. The appeal is allowed and planning permission is granted for erection of timber summerhouse/office/gym/lady cave at Stanvi, Water Lane, Winterborne Houghton, DT11 0PE, in accordance with the terms of the application Ref P/HOU/2022/03248, dated 23 May 2022, and the plans submitted with it subject to the following condition:

The outbuilding hereby permitted shall not be occupied or used at any time other than for purposes ancillary to the residential dwelling currently known as Stanvi.

Main issue

2. I consider that the main issue in this case is its effect on the character and appearance of the area.

Reasons

3. Stanvi is a detached bungalow set well back from Water Lane and accessed from a private gravelled drive which also serves two other properties and is a Public Right of Way. It occupies a large plot on land which rises northwestwards up from the road. There are outbuildings and other structures on the front part of the plot and a large garden to the rear. The whole site is screened by well established mainly evergreen trees, high hedges and other vegetation, and the bungalow itself is only visible from the drive.
4. I consider that the policy relevant in this case is Policy 28 of the North Dorset Local Plan 2016, which sets out criteria according to which ancillary domestic buildings in the countryside may be constructed. These include size, design and impact on the landscape and whether the building would be capable of being used as a separate dwelling.

5. The summerhouse, the subject of this appeal, has already been constructed and is located in the rear garden adjacent to the boundary with the private drive. The rear garden is stepped up from the ground level of the bungalow while the summerhouse itself is set down relative to the garden and accessed by a short flight of steps.
6. Although the summerhouse is relatively substantial in size, it is not visible from the public highway or from the neighbouring properties, except partially and obliquely from the neighbouring house to the west. It is constructed of timber and blends well into the rural character of the area. I consider that it is not visually intrusive in the landscape and that it is clearly secondary to the main house and compatible with development in the area. It does not detract from the character of the existing dwelling.
7. I consider that the summerhouse would not be readily capable of use as a separate dwelling because of its close relationship with the main dwelling, the differences in levels across the site and because satisfactory separate access to it would be difficult from the private drive.
8. The appeal development before me is an ancillary domestic building and I find that as such it is acceptable. Any proposal to use it as a separate dwelling would require planning permission and its compliance with policies controlling such use would be a relevant consideration at that time.
9. I conclude that the development does not harm the character and appearance of the area and that it is consistent with local plan policy 28 and the National Planning Policy Framework 2021 (the Framework).
10. For the reasons given above, the appeal is allowed.

Conditions

11. I have considered the conditions put forward by the Council, having regard to the tests set out in the Framework. The development has been completed and the condition detailing the plans is unnecessary. The condition restricting the use to that ancillary to the dwelling is necessary to avoid the establishment of a separate unit in this location, in accordance with the local plan and the Framework.

PAG Metcalfe

INSPECTOR