



Appeal Decision

Site visit made on 5 April 2023

by Hannah Guest BSc (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 27 April 2023

Appeal Ref: APP/P0240/D/22/3303642

Oak Trees, 14 Oakway, Studham LU6 2PE

- 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 Dr Farrah Sherpao against the decision of Central Bedfordshire Council.
 - The application Ref CB/21/03828/full, dated 18 August 2021, was refused by notice dated 12 May 2022.
 - The development proposed is free standing Aluminium gazebo to park a car under.
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Decision

1. The appeal is allowed and planning permission is granted for free standing Aluminium gazebo to park a car under at Oak Trees, 14 Oakway, Studham LU6 2PE in accordance with the terms of the application, Ref CB/21/03828/full, dated 18 August 2021, subject to the following 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: drawing no: 2022019-PL-010.

Procedural Matters

2. At the time of my visit, I saw that the gazebo had been constructed. However, from my observations on site, it appeared to be closer to the appeal property than the 3 metres indicated on the submitted plans. For the avoidance of doubt, I have determined the appeal on the basis of the submitted plans.

Main Issues

3. The main issues are:
 - Whether the development would be inappropriate development in the Green Belt having regard to the National Planning Policy Framework (the Framework) and any relevant development plan policies; and
 - The effect of the proposed development on the character and appearance of the area, including the landscape and scenic beauty of the Chilterns Area of Outstanding Natural Beauty (AONB) and Area of Great Landscape Value

Reasons

Whether inappropriate development

4. The Framework identifies that the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open. Paragraph 147 of the Framework states that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances.
5. Whilst not explicitly stated in the reasons for refusal, it appears from the officer's report that the Council are treating the proposed gazebo as an extension to the appeal property. The proposed gazebo would be used as a carport and a seating area, and I saw on site that the existing gazebo was currently being used for the former purpose. Given this, its position in relation to the appeal property and that it would be of a relatively modest size, I am also of the view that the proposed gazebo should be assessed as an extension to the appeal property.
6. It is also evident from the officer's report that Policy SP4 of the Central Bedfordshire Local Plan (2021) (Local Plan) is relevant in this case, as is Section 7 of the Central Bedfordshire Design Guide (2014) (SPD), despite them not being referred to in the reasons for refusal. Policy SP4 of the Local Plan sets out that development proposals within the Green Belt will be assessed in accordance with government guidance contained within the Framework and Planning Practice Guidance.
7. Paragraph 149 of the Framework establishes that the extension or alteration of a building is not inappropriate in the Green Belt provided that it does not result in disproportionate additions over and above the size of the original building. Section 7 of the SPD builds on this, providing guidance on when an extension should be considered proportionate.
8. Neither party has commented on whether the gazebo would result in a disproportionate addition, and I have no evidence before me regarding the size of the original building. The appeal property is a relatively large, part single, part 2-storey house. While it is noted in the officer's report that permission was granted for a side extension to the property in 1998, it is unclear from the evidence before me whether that specific extension has been constructed.
9. Paragraph 7.03.29 of the SPD states, as a guiding principle, in order to be considered as proportionate the original building should not be added to by more than 60%, and that the impact of the extension in terms of floorspace, volume, massing and design will be considered. From the evidence before me and my observations on site, given the modest size of the proposed gazebo in comparison to the appeal property, it is unlikely that it would add more than 60% to the original building in terms of floorspace or volume. Furthermore, it would be an open structure, therefore its massing would be limited.
10. Accordingly, based on the evidence before me and my observations on site the proposed gazebo would not be a disproportionate addition over and above the size of the original dwelling and would, therefore, not constitute inappropriate development in the Green Belt. Thus, it would accord with Policy SP4 of the Local Plan and the associated provisions of the Framework, which seek to protect the Green Belt from inappropriate development.

11. Given the proposed gazebo would not be inappropriate development, in this case, there is no need for me to consider its impact on openness.

Character and Appearance, including AONB

12. The appeal site is located within the Chilterns Area of Outstanding Natural Beauty (AONB). Paragraph 176 of the Framework states that great weight should be given to conserving and enhancing the landscape and scenic beauty of the AONB, and that the scale and extent of development within the AONB should be limited.
13. The Council's reason for refusal also refers to a harmful visual impact upon an Area of Great Landscape Value (AGLV). However, I do not have any further details of this and therefore I am not certain what area this designation covers and/or the characteristics it protects.
14. Oakway consists of moderate to large, 1 and 2 storey houses with varying forms, features, and styles. The houses are set back from the highway on generous plots. The front gardens of the properties are mainly set to lawn with driveways and parking areas. They have open frontages or soft boundary treatments, including some large trees. Overall, there is a spacious and verdant character.
15. There is limited intervisibility between the section of Oakway where the appeal property is located and its wider landscape setting. The most significant characteristic of the AONB, in addition to the spacious and verdant characteristics of the immediate area, is the woodland to the north, surrounding Woodland Rise, and the band of trees to the South within the rear gardens of the properties on Oakway and Holywell Road.
16. While the gazebo would increase the amount of built form on the appeal site and within the AONB and AGLV, the scale of the development would not be excessive, rather it would be relatively modest, and the structure would be largely open. Although, the roof of the gazebo would be bulkier than the rest of the structure and would not reflect the flat roof profile of the appeal property, its dark grey colour would match the colour of the external materials used on the front elevation of the appeal property, which would help to assimilate it into its surroundings.
17. I saw on my site visit that, although there are no other gazebos positioned to the front of houses on Oakway, there are other buildings in similar positions not far from the appeal site. Moreover, many of the houses include front projections, often garages, in similar positions to the proposed gazebo. Thus, the gazebo would not look out of place. While it may be that gazebos are more commonly used in rear gardens, the structure would be fairly typical of a car port and the style of the gazebo, and the proposed materials would be in keeping with the appeal property.
18. Furthermore, although the gazebo would be visible in the street scene, given the appeal property is set back further from the highway than its neighbours, it would be positioned behind the front elevations of the adjacent properties. This would limit its effect on the street scene and thus, any effect on the characteristics of the AONB would also be limited.
19. It has been put to me by an interested party that substantial hedging would be required to block views of the proposed gazebo from the public road. However,

while additional landscaping may further integrate the gazebo into its surroundings, for the reasons above, it would not be necessary, in this case, to make the proposed development acceptable.

20. Accordingly, for the reasons above, the proposed gazebo would not result in a harmful visual impact upon the AONB, AGLV or the character of the area. Neither would it have a detrimental impact on the visual appearance of the street scene. It would therefore accord with Policy EE7 of the Local Plan and the associated provisions of the Framework, which seek to safeguard the intrinsic character, scenic beauty, and perceptual qualities of the landscape. It would also accord with Policy HQ1 of the Local Plan and Section 7 of the SPD, which seek to deliver development proposals of the highest quality, by among other things, ensuring they relate well to the character and context of the local area and the aims of the Framework in this regard.

Other Matters

21. Interested parties have raised concerns regarding the structure's robustness and life span. However, there is no substantive evidence before me demonstrating that the structure would not be of a solid construction. On the contrary, from my observations on site the existing gazebo appeared to be sturdy and in a good condition.
22. Interested parties have also raised concerns regarding the use of the existing gazebo to store scrap wood and rubbish and the disposal of this rubbish. However, at the time of my visit the existing gazebo was being used for car parking and there was no scrap wood or rubbish present. I must determine the appeal on the basis of what has been applied for which, from the evidence before me, is for a gazebo to be used as a carport and seating area. If subsequently the proposed gazebo is used for purposes other than that, it would be a matter for the council.

Conditions

23. The Council have suggested that a condition is imposed requiring the proposed development to be carried out in accordance with the submitted plans. Given the existing gazebo appears to have been sited in a slightly different location to that shown on the submitted plans, this condition is necessary in the interests of certainty to ensure that the development undertaken in accordance with the approved plans. Taking this into account, I have also imposed the standard time condition.

Conclusion

24. With regard to the above, I find the gazebo to be in accordance with the development plan, read as a whole. It has not been demonstrated that there are any material considerations of sufficient weight to indicate that a decision should be taken otherwise than in accordance with it. The appeal is therefore allowed subject to the conditions above.

Hannah Guest

INSPECTOR