



Appeal Decision

Site visit made on 23 January 2024

by Benjamin Clarke BA (Hons.) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 16.02.2024

Appeal Ref: APP/A1015/D/23/3330159

Oak Tree Barn, Bolsover Road, Woodthorpe, Derbyshire

- 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 and Mrs Linathan against the decision of Chesterfield Borough Council.
 - The application Ref CHE/23/00287/FUL, dated 4 May 2023, was refused by notice dated 31 July 2023.
 - The development proposed is an extension to existing dwelling to form associated dwelling annexe with conservatory link.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues relevant to this appeal are:
 - the effect of the proposed development upon the character and appearance of the area; and
 - whether the proposed development would represent a self-contained dwelling and, if it would, the suitability of the location for a new dwelling, with specific reference to the spatial strategy in the development plan.

Reasons

Character and appearance

3. The appeal site contains a relatively small barn that has been converted to a dwelling. The appeal site is near to farmhouse and a collection of former agricultural buildings that have also been converted to homes. These are arranged in a small cluster. These buildings typically have a functional and traditional style of architecture that reflects their original use. The surrounding land is primarily fields. This means that the appeal site is in a rural landscape.
4. The existing buildings typically feature stone elevations and smaller windows, with some walls having limited amounts of fenestration. This retains a rustic and solid agricultural character to the structures despite them having being converted to dwellings. The proposed development includes a predominantly glazed conservatory, which would have a discernible mass. This style of architecture would contrast with the style of architecture that is a feature of the existing buildings.

5. In addition, the proposed conservatory would be of a similar height to the proportions of the existing building and the proposed extension. Therefore, it would not be a subordinate addition, even allowing for its footprint. Owing to the glazed sections, the conservatory's building materials would be significantly different from those utilised nearby. Therefore, the development would jar with the existing building's architecture rendering the development discordant.
6. In result, the proposed development would introduce a more overtly domestic form of architecture that would conflict with the retained agricultural style of the converted buildings to the east..
7. The development would be located on the edge of the cluster of existing buildings, which would render it visible from several vantage points in the surrounding area. This includes viewpoints in Bolsover Road and views over the relatively limited boundary treatments. Therefore, the discordant form of architecture would be harmfully apparent to those passing the site.
8. I acknowledge that the design of the extension, as opposed to the conservatory, and the alterations to the existing dwelling would respond to the traditional agricultural style of architecture that is a feature of the cluster. However, this would not overcome the adverse effects that would arise from the design of the conservatory.
9. I therefore conclude that the proposed development would harm the character and appearance of the area. The development, in this regard, would conflict with Policy CLP20 of the Chesterfield Borough Local Plan (2020) (the Local Plan). Amongst other matters, this seeks to ensure that developments promote good design that positively contributes to the distinctive character of the Borough.

Whether a self-contained dwelling and suitability of the site

10. The proposed development has been described on the planning application and appeal documentation as an annexe. The submitted plans show that that the annexe would feature, amongst other items, four bedrooms. However, it would be physically connected to the existing dwelling. In addition, both the existing dwelling and the annexe would feature separate doors into the conservatory.
11. In assessing whether the proposal would be a self-contained dwelling, the development, whilst large, would be an extension of the existing building. Furthermore, owing to the physical link between the existing and proposed developments, there would be an internal area that could be shared by existing and future occupants. This means that the occupiers of both the existing home and the annexe would be able to freely move between each element of the resultant building and socialise or undertake activities together inside the building.
12. The occupants of the proposed annexe would also be reliant upon facilities currently exclusively used by the residents of the existing dwelling. These include the garden area, car parking and the driveway. There are no proposals to provide additional facilities, or to subdivide the site. In result, the proposed development, even though it would be of a relatively large size, is not intended to support a separate household. Therefore, the proposed development would not represent a new self-contained dwelling.

13. Consequently, as the development is not a self-contained dwelling in the countryside, Policies CLP2 and CLP3 of the Local Plan would not be breached.
14. In addition, had I been minded to allow this appeal, a further application for planning permission would be required should there be a future aspiration to convert the annexe to a self-contained dwelling. This would provide an opportunity to assess a dwelling against the requirements of the cited policies. Had the scheme been otherwise acceptable consideration could also have been given to imposing a condition to require its use for ancillary purposes.
15. I therefore conclude that the proposed development would not represent a self-contained dwelling and therefore it would not be at odds with the spatial strategy for new homes in the countryside.

Other Matters

16. The proposed development would provide improved living conditions for the appellant and their family. Whilst I have given this matter careful consideration, I am mindful that, in general, planning decisions should be made in the public interest. In consequence, these improved living conditions do not offset the adverse effect to the character and appearance of the surrounding area as previously identified.
17. Although it has been suggested that the conservatory could be constructed from different materials, I have not been provided with sufficient detail as to how these may change the appearance of the proposed conservatory. In result, it is not possible to conclude that an alternative palette of materials would overcome my previous findings.
18. Concerns regarding the manner in which the planning application was considered by the Council fall outside of the scope of this decision.

Conclusion

19. Although the proposed development would not be a self-contained dwelling, it would have an adverse effect upon the character and appearance of the surrounding area. Consequently, the scheme would conflict with the development plan taken as a whole. There are no other material considerations which indicate the decision should be made other than in accordance with the development plan. Therefore, for the preceding reasons, I conclude that the appeal should be dismissed.

Benjamin Clarke

INSPECTOR