



Appeal Decision

Site visit made on 7 February 2024

by Eleni Randle BSc (hons) MSc FRICS FAAV MRTPI

an Inspector appointed by the Secretary of State

Decision date: 23rd February 2024

Appeal Ref: APP/H0520/D/23/3331010

5 Vinegar Hill, Alconbury Weston, Cambridgeshire, PE28 4JA

- 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 Ed Fowkes against the decision of Huntingdonshire District Council.
 - The application Ref 23/01086/HHFUL dated 14 June 2023, was refused by notice dated 13 September 2023.
 - The development proposed is detached wooden garage in front garden.
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Decision

1. The appeal is allowed, and planning permission is granted for detached wooden garage in front garden at 5 Vinegar Hill, Alconbury Weston, Cambridgeshire, PE28 4JA in accordance with the terms of the application ref: 23/01086/HHFUL dated 14 June 2023 subject to the following conditions:
 - 1) The development hereby permitted shall be commenced before the expiration of three years from the date of this permission;
 - 2) The development hereby permitted shall be carried out in accordance with the following approved plans: Location Plan PP-12232868v1, Proposed site plan drawing 5VHG-SP P1, Façade 1 – 3 (south side); Façade A – C (east - rear), Façade 3 – 1 (north side), façade C – A (west – front), foundation plan and section A – A;
 - 3) The materials utilised within the development hereby permitted shall match those specified within the application form and the submitted plans. Materials will be maintained for the lifetime of the development and any changes shall be submitted to, and approved in writing by, the Local Planning Authority.

Procedural Matters

2. The National Planning Policy Framework 2023 (the Framework) was revised in response to the Levelling-Up and Regeneration Bill: reforms to national planning policy consultation on 19 December 2023. The refusal reason does not reference the Framework and it is not considered that this revision impacts upon the determination of this appeal given the main changes to the Framework and the main issue before me.

Main Issue

3. The main issue is the impact of the proposal upon the character and appearance of the immediate area and streetscene.

Reasons

4. The appeal site is a two-storey detached dwelling which is brick built with a tiled roof and timber clad detailing between the front ground and first floor windows. The appeal site forms part of a pair of mid-century two-storey detached dwellings which are set back from the highway with large front gardens. The appeal proposal is for a timber garage sited forward of the front elevation of the host dwelling. The site is adjacent to, but not within, the Alconbury Conservation Area (CA) and I note that the Conservation Team were consulted, as part of the application, with no objections to the proposal confirming that there would be no impact upon the CA. Based upon the evidence before me, and my site visit, I have no reason to conclude differently on this matter.
5. At the time of my site visit I found that the overall area is diverse in both character and appearance and that there is no strong, uniform, building line which results in a generally scattered pattern of development with the appellant evidencing examples of timber clad outbuildings/garaging within the general locality. Whilst the proposal would be sited forward of the side elevation of 7 Vinegar Hill (no. 7), I find that the proposed site plan demonstrates that the proposal would be broadly consistent with the building line of the adjacent outbuilding for no. 7. This outbuilding, whilst acknowledged to be smaller, demonstrates that such proposals can be not prominent within the streetscene as I found it of very limited visibility.
6. At the time of my site visit I found that the location of the appeal proposal is at a slightly lower site level than Vinegar Hill itself and I find that this would assist the proposal's impact as well as being overall be low in height and moderate in footprint. Although the proposal would be sited in front of the house, the proposal would respect the general pattern of development, and varied building lines, within this part of the street and would align with an adjacent outbuilding.
7. The Huntingdonshire Design Guide Supplementary Planning Document 2017 (SPD) sets out the key principles which should be followed with regards to garages and good design. I note that the SPD states that one of the key principles to be considered in the design of garages includes alignment with, or set back from the building frontage, however, the overarching objective of the SPD in terms of garage design is to prevent such structures from dominating and detracting from the appearance of the house. Whilst the proposal is forward of the building frontage, I find that it is generally consistent with the overarching objectives of this guidance, not detracting from the appearance of the host dwelling and that general views through the existing access from the streetscene would be essentially maintained.
8. The SPD guidance goes on to outline that garages should complement the architectural style of the existing dwelling or street scape and be built of similar materials to the existing property or use materials that reflect its use as an outbuilding or subservient building. I find that the summary, within the Council's delegated report, of the SPD fails to acknowledge the guidance's acknowledgment that garages can complement the style and materials found within the streetscape and not just be required to match the host dwelling itself. As noted, by the Council, a timber finish would normally fall under the definition of reflecting the use of the garage as an outbuilding and I find no

justified rationale for this not being applicable as a result of the first principle relating to the siting of the garage in line with or set back from the front elevation not being followed.

9. In this case, whilst the proposed timber cladding is in contrast to the predominantly brick finish of the existing and immediately adjacent neighbouring dwellings, and the outbuilding to no. 7, I find that there are examples within the vicinity on Vinegar Hill which are timber clad meaning the proposal would not be uncharacteristic in that regard. I do not find that the proposed timber cladding would make the proposal appear much larger and more prominent on the street scene. Overall, the proposal would not be out of character given that, ultimately, the surrounding area is characterised by its scattered development with no strong building line with an example of an outbuilding, regardless of scale, immediately adjacent to the appeal proposal.
10. In addition, I noted at the time of my site visit, that the proposal would have limited impact upon the appearance of the immediate area as the site is largely obscured, visually, from the road by existing tall hedging. This, combined with the difference in site levels, means that I find the proposal would stand appropriately within the front of the appeal site and any limited views which would be available, for example coming up Vinegar Hill, would be viewed against the built form of no. 7 and the proposal would generally be viewed as a subservient, ancillary, timber outbuilding. I do not, therefore, find that the proposal would be so prominent within the street scene that it would warrant refusal in this case. The proposed attached garage would not, by virtue of its size, scale, siting and timber cladding appear as an incongruous addition within the street scene. I find that the proposal would be acceptable in regard to design and visual amenity and that it would not have a negative impact upon the character and appearance of the immediate area.
11. The proposal would be consistent with Huntingdonshire Local Plan to 2036 (2019) (LP) Policy LP11 which requires proposals to demonstrate that it responds positively to its context and has drawn inspiration from the key characteristics of its surroundings including the built environment and LP Policy LP12 which requires proposals to contribute positively to the areas character and identity, successfully integrate with adjoining buildings and create attractive and appropriately scaled built frontages to positively enhance the townscape. The proposal would not result in the introduction of incongruous and/or intrusive elements into key views and vistas. The proposal would also be consistent with the SPD guidance, relating to garages, which ultimately seeks to ensure that garages are ancillary to the house and do not become prominent features.

Other Matters

12. A number of third-party objections have been submitted in response to the proposal. Comments relating to views, up Vinegar Hill, are noted however 7 Vinegar Hill and its outbuilding, are not listed, do not form part of the CA and such views are not protected in this instance. It is noted that there is a pond approximately 28 metres northeast of the appeal proposal, however, the pond is located on the other side of Vinegar Hill road with the Council confirming that as biodiversity method statement is not required in this instance. Given the separation of the proposal, and the pond, by the road, I find no evidence to

raise concern as to the proposal with regard to biodiversity. General views, up Vinegar Hill, are not a material consideration within this appeal.

13. Comments are noted with regards to flooding; however, the proposal is minor development in Flood Zone 1 which means that flooding is not a material consideration in this instance. I have no evidence before me to suggest that the proposal would likely result in surface water flooding of the highway, given the site levels, and surface water flooding is ultimately a matter for consideration for building control to secure appropriate drainage as part of the construction of any proposals. In a similar regard, concerns relating to an electricity cable is not a matter to be considered within this appeal and is again a matter for building control.
14. The use of the garage as a domestic workshop is an acceptable use and it should be kept in mind that general complaints or concern as to noise, in general terms, are able to be monitored and controlled through the Council's regulatory services in the event an issue arose in the future. The Council has taken into account the proposals potential impact upon residential amenity and based upon the evidence before me, and what I saw at the time of my visit, it is not considered that the proposal would result in significant impact on the residential amenity of neighbours or present and future occupiers.
15. No. 7 has raised the issue of overshadowing to their living room (exact window is unspecified). Despite this, the Council consider that the siting of the proposal is unlikely to fail the 45-degree rule on elevation (even if it does on plan) or the 25-degree rule and have considered the proposal acceptable with regards to overbearing impact, over shadowing and loss of light. Based upon the evidence before me I have no reason to conclude differently on this particular matter. Concern has been raised regarding the hedging and that the proposal would end up being sited further south, however, any approval would be subject to a condition requiring construction in accordance with the approved plans. The construction is, therefore, specifically linked to the proposed plans defining the intended, and approved, location.
16. I note concern regarding the window in the north elevation with specific regard to views of a patio, however, the window in question would not provide users of the proposal with any greater opportunity to look over or into the neighbouring property than could already be achieved when stood within the appeal site as it stands. It is not like, for example/comparison, the introduction of a new window at first floor level which could then offer clear opportunities for more extensive views into neighbouring properties which could validly then raise concern with regard to neighbouring residential amenity and privacy as a result of any development proposals.

Conditions

17. The Council suggest three conditions within their questionnaire which I have considered, however, a condition requiring materials to match those in the existing building is of limited relevance, so I have amended the material condition as appropriate.
18. A time condition is attached to comply with Section 51 of the Planning and Compulsory Purchase Act 2004. A condition requiring the development to be in accordance with the approved plans is required to control and define the development which is granted consent. A materials condition is required to

ensure an appropriate finish in accordance with the details submitted, as assessed, as part of the application process.

Conclusion

19. For the reasons outlined above, and taking account all other matters raised, I conclude that the appeal should be allowed subject to conditions.

Eleni Randle

INSPECTOR