



Appeal Decision

Site visit made on 6 February 2024 by Max Webb BA(Hons) MSc MRTPI

Decision by L McKay MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 08 May 2024

Appeal Ref: APP/W1850/D/23/3325907

Rowan Cottage, Great Doward, Symonds Yat, Ross-On-Wye HR9 6BP

- 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 Miss J Hubbard and Mr S Dawson against the decision of Herefordshire Council.
 - The application Ref 230860, dated 13 March 2023, was refused by notice dated 20 June 2023.
 - The development proposed is annexe and store.
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Decision

1. The appeal is allowed and planning permission is granted for annexe and store at Rowan Cottage, Great Doward, Symonds Yat, Ross-On-Wye HR9 6BP in accordance with the terms of the application, Ref 230860, dated 13 March 2023, subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than three years from the date of this decision.
 - 2) The development hereby permitted shall be carried out in accordance with the following approved plans, including the materials specified thereon: AB1.C, AB2.C and AB3.A.
 - 3) The development hereby permitted shall not be first brought into use until a surface water management scheme has been installed and is operational, in accordance with details that have been submitted to and approved in writing by the Council. The approved drainage works shall thereafter be permanently retained, and maintained to ensure their effective operation.
 - 4) No external lighting shall be installed on the building hereby permitted unless in accordance with details that have first been submitted to and approved in writing by the local planning authority, other than the installation of a maximum of one external LED down-lighter above or beside each external door (and below eaves height). The LED down-lighters permitted shall have a Corrected Colour Temperature not exceeding 2700K and brightness under 500 lumens. Every such light shall be installed so as to be directed downwards with a 0 degree tilt angle and 0% upward light ratio and shall be controlled by means of a PIR sensor with a maximum overrun time of 1 minute. The lighting shall thereafter be maintained in accordance with these details.

Appeal Procedure

2. The site visit was undertaken by a representative of the Inspector whose recommendation is set out below and to which the Inspector has had regard before deciding the appeal.

Preliminary Matters

3. The Government published a revised version of the National Planning Policy Framework (Framework) on 19 December 2023. Whilst I have had regard to the revised national policy as a material consideration, planning decisions must still be made in accordance with the development plan unless material considerations indicate otherwise. In this instance, the issues most relevant to the appeal remain unaffected by the revisions to the Framework. I am therefore satisfied that there is no requirement to seek further submissions on the revised Framework, and that no party would be disadvantaged by such a course of action.
4. On 22 November 2023, all designated Areas of Outstanding Natural Beauty (AONBs) in England and Wales became "National Landscapes" (NLs). I have therefore made reference to NLs in my recommendation and specifically referred to the Wye Valley AONB as the Wye Valley National Landscape (WVNL). However, for the avoidance of doubt, the legal designation and policy status of these areas are unchanged and I have proceeded on this basis.

Main Issue

5. The main issue is the effect of the proposed development on the character and appearance of the host dwelling and the surrounding area, including the WVNL.

Reasons for the Recommendation

6. The appeal site comprises a detached cottage set in a moderate sized plot which slopes steeply. The original cottage is white rendered and modest in size, however it has been extended significantly with contemporary design elements incorporating timber cladding, dark brick and substantial glazing. This extension gives the rear of the dwelling a significantly different appearance to the traditional form of the front elevation. The surrounding area, including the WVNL in the vicinity of the appeal site, is characterised by scattered cottages and properties spread along the wooded hillside. The appeal site contributes positively to this character.
7. The proposed outbuilding would be located towards the bottom of the site, positioned much lower than the host dwelling and set into the sloping bank. Although it would have a relatively large footprint, being set over two levels, it would be narrow, with a flat roof and as such would remain much smaller than the extended host dwelling. The green roof and offset second storey would also reduce its visual impact. Its positioning and scale would therefore ensure it would remain subservient to the host dwelling.
8. The outbuilding would feature large windows and a balcony, but these are not unusual in outbuildings which accommodate living accommodation. Given its scale and position relative to the host dwelling, it would still appear as an outbuilding rather than a separate dwelling.

9. The annexe would share many facilities with the host dwelling, including access, services and utilities. It would be substantially smaller in scale to the host dwelling and remain in relatively close proximity to it. It would therefore be unlikely that the outbuilding would be used for anything other than ancillary uses. Consequently, I do not consider that it would appear as a separate dwelling or exceed what can reasonably be considered an annexe in this context.
10. The design of the outbuilding would relate well to the recent extension to the main dwelling in terms of its form and materials. It would be seen together with the extension in some, limited views, but would not be seen with the front of the house due to its position set into the slope. Consequently, the design would, ensuring that despite physical separation, the buildings would be read as having a direct relationship.
11. It has been suggested that the timber cladding could be stained a darker colour to reduce its visual impact. The amount of cladding visible would be limited by the surrounding topography and vegetation, and the use of a darker stained cladding would differentiate it from the materials of the host dwelling and the boundary fence, resulting in an incongruous appearance. Therefore, I do not consider this to be a necessary or appropriate requirement.
12. From the road on which the host dwelling is located, the sloping site, positioning of the proposal, surrounding vegetation and green roof would largely obscure the outbuilding from view. Due to the nature of the site on a hill, it may be possible to see the outbuilding from wider views within the WVN, however it would be seen in the context of the larger host dwelling. Therefore, its design and scale be appropriate to its context in a residential garden, and it would not detract from the landscape and scenic beauty of the WVN or the character of the surrounding area.
13. The proposal would not therefore harm the character and appearance of the host dwelling and surrounding area, including the WVN. Consequently, it would comply with Policies SD1 and LD1 of the Herefordshire Local Plan Core Strategy 2011-2031 (adopted 2015) (Core Strategy) and Policies WG7 and WG14 of the Whitchurch and Ghanarew Group Parish Neighbourhood Development Plan 2011 – 2031 (adopted 2019). These policies together require proposals to respect scale of surrounding development and not harm the character of the WVN. Nor would there be any conflict with Framework policies which seek to achieve high quality design and safeguard Ns.

Other Matter

14. Concerns were raised by the Council that an ecology survey was not submitted. Although sensitive ecological habitats and protected species are known to be present nearby, there is no substantive evidence before me of any present on the site, or of any likely direct or indirect adverse impacts as a result of this proposal. Therefore, I do not consider the lack of an ecology survey to justify refusal in these circumstances.

Conditions

15. I recommend the standard time condition and compliance with the approved plans for reasons of certainty. Use of materials to match the extension is necessary to safeguard the character and appearance of the dwelling and

surrounding area. As those details are specified on the plans, there is no need for a separate condition for materials.

16. A brief description of surface water management arrangements has been given as part of this appeal, however no drawings or other details have been provided. As the proposal is for a new building on a sloping site, there is a risk of adverse impacts due to surface water if not properly managed. Therefore, having regard to Core Strategy Policy SD3, I consider it necessary to recommend a condition to secure these details.
17. The Council recommends a condition limiting external lighting and I consider this necessary to protect local species and the dark skies of the WVN, in accordance with relevant regulations and Core Strategy Policies SS6 and LD1.
18. If the structure was not built or used as proposed, or if there were a material change of use in the future to create a separate dwelling, then a separate grant of planning permission would be required, and the building would be at risk of enforcement action if such permission is not granted. A condition to limit the use of the outbuilding to prevent use as a separate dwelling is not therefore necessary.
19. Although it has been suggested that the proposed balcony should feature non-reflective glazing to reduce glare. However, given the limited views of this part of the site and the relatively small area of glazing involved, it has not been demonstrated that this would be necessary to safeguard the WVN, so I have not recommended a condition to this effect.

Conclusion and Recommendation

20. For the reasons given above and having had regard to all other matters raised, I recommend that the appeal should be allowed subject to the conditions listed above.

Max Webb

APPEAL PLANNING OFFICER

Inspector's Decision

21. I have considered all the submitted evidence and my representative's recommendation and I agree with the reasoning set out above. I have however amended the wording of the lighting condition suggested by the Council to allow for additional external lighting to be installed if agreed with the Council. The limitations on the number and type of external light allowed by the Council's wording would otherwise have been unduly restrictive as it would not allow for any other form of external lighting irrespective of its impact.
22. On that basis the appeal is allowed subject to the conditions listed above.

L McKay

INSPECTOR