



Appeal Decision

Site visit made on 6 August 2024

by Ben Plenty BSc (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 12 August 2024

Appeal Ref: APP/W1850/W/23/3331434

Pear Tree Cottage, Stapleton, PRESTEIGNE LD8 2LS

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission.
 - The appeal is made by Mr Bruce Auchterlonie against the decision of Herefordshire Council.
 - The application Ref is 231561.
 - The development proposed is Construction of outbuilding within garden for amenity use (Gym / Home office) solely for the occupants of Pear Tree Cottage use.
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Decision

1. The appeal is dismissed.

Main Issue

2. The main issue is the effect of the proposed outbuilding on the character and appearance of the area and on dark skies.

Reasons

3. The appeal site is occupied by a traditional dwelling within a rural setting. The dwelling is within a loose cluster of dispersed residential plots within the open countryside. Surrounding housing is of various designs, scales and styles and consisting of a range of traditional forms. The site stands on a hill with the rear boundary being significantly higher than the country lane found to the front of the dwelling. Being of traditional appearance the host dwelling, and its site, make a positive contribution to the character and appearance of the surrounding open countryside.
4. The proposed outbuilding would be located on an elevated position within the side garden of the dwelling. This would place its ground level substantially higher than the host dwelling, which is itself raised above the highway by around 1.5 metres. The terrace area to the front of the dwelling and the side garden, beyond a retaining wall and embankment, are largely open. As a result, the proposal would be highly visible in views from the highway, especially to road users approaching the site from the east. Furthermore, the proposal would be partially visible in distant views to users of the footpath opposite Bank Cottage.
5. The proposed scheme would be well screened from road users approaching the site from the west, due to the change in elevation and the presence of extensive tree and hedge planting found along the western boundary of the site. It would also be partially screened in views when approaching the site from the east, and when travelling along the footpath to the side of the access

- driveway to the site, due to the dwelling being within the foreground of such views. This would, to some extent, diminish views of the proposal.
6. However, whilst views of the proposal would be fleeting for motorists being low impact receptors, views as seen by pedestrians and cyclists would be more prolonged. The proposed outbuilding would be a flat roofed building with large, glazed openings, a projecting balcony and timber framed walls. As such, its contemporary form would not integrate well with the more traditional appearance of local development.
 7. The visual impact of the proposed outbuilding would be exacerbated as passing pedestrians would see the underside and support structure of the building. These elements are unattractive and purely functional components of the building. Consequently, the structure would be a disharmonious feature, within a prominent location, that would fail to accord with the established local vernacular of built form. Its design, when taken together with its prominence, would cause substantial harm to the character and appearance of the site and the surrounding area. Any proposed planting along the frontage would be unlikely to materially screen the proposal due to the height of the supporting piers, being around 1.7 metres.
 8. The proposed development is intended to be used as a home gym and office. The Appellant explains that the proposal would offset the loss of the nearest gym, at the local leisure centre, which is threatened with closure. Also, a home office would reduce commuting needs of the occupier, which would reduce carbon emissions from private vehicles. Nonetheless, most benefits of the proposal would be private benefits only which weigh only moderately in favour of the scheme.
 9. The outbuilding would be used as an ancillary space incidental to the main dwelling. It is anticipated that it would not be used extensively in the evenings when most illumination would be required. However, this matter could not be controlled by condition and in the winter months artificial lighting would be required in the afternoons. The proposal includes a comparatively limited area of glazing, in comparison to the size of the building. As such, the proposed use would result in only limited light intrusion into the surrounding countryside at night. This would have a limited effect on dark skies due to its diminutive scale and the extent of local screening, obscuring it from many wider distant views.
 10. The Appellant suggests that some local buildings have far larger fenestration than the proposal and that some recent schemes approved by the Council have a greater impact on the countryside. However, these comments are unqualified and made without reference to specific examples. During my visit I noted that Bank cottages includes several outbuildings. These have pitched roofs, are set behind hedging, and are only slightly elevated above the highway. This was also noted for the outbuildings at Sunnybank Cottage. In both cases the outbuildings are relatively well integrated into the local setting. These therefore do not provide a positive precedent that might support the proposal.
 11. Accordingly, although I have not found material harm to dark skies, the proposal would result in substantial harm to the character and appearance of the site and its surroundings. As such, the proposal would conflict with policies SS6, LD1 and SD1 of the Herefordshire Local Plan - Core Strategy (2015) and the National Planning Policy Framework. These seek, among other matters, for

new buildings to be designed to maintain local distinctiveness and to be sympathetic to local character.

12. For the above reasons, the proposal would conflict with the development plan when taken as a whole and there are no other considerations, including the provisions of the Framework, which would outweigh this finding. Therefore, for the reasons given, the appeal should not succeed.

Ben Plenty

INSPECTOR