



Appeal Decision

Site visit made on 6 August 2024

by E Dade BA (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 10 September 2024

Appeal Ref: APP/W2845/D/24/3341432

The Roserie, 26 Westhorpe, Sibbertoft, West Northamptonshire LE16 9UL

- 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 and Mrs P Abraham against the decision of West Northamptonshire Council.
 - The application Ref is 2023/6725/FULL.
 - The development proposed is construction of three bay garage with ancillary habitable space above, including demolition of existing building.
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Decision

1. The appeal is allowed and planning permission is granted for construction of three bay garage with ancillary habitable space above, including demolition of existing building. at The Roserie, 26 Westhorpe, Sibbertoft, West Northamptonshire LE16 9UL in accordance with the terms of the application, Ref 2023/6725/FULL, subject to the conditions in the attached schedule.

Main Issues

2. The main issue in this appeal is the effect of the proposed development on the character and appearance of the area.

Reasons

3. The appeal site comprises a semi-detached dwelling with an outbuilding and detached garage at the rear. A large garden extends northwards from the dwelling's side elevation. The appeal property is a substantial, two-storey dwelling, with prominent front dormers. The symmetrical front elevation includes ground floor bay windows positioned either side of the front door, enclosed by a storm porch with white pillars. The tall, first floor windows have decorative, white-painted lintels with keystones. The dwelling is a prominent Victorian property which, through its form and architectural features, contributes visual interest to the street scene.
4. The appeal site is at the end of Westhorpe, a quiet residential street comprising a mix of dwellings. The street terminates in front of the appeal site. The route continues as public right of way (PROW) DN1, an unmade bridleway which passes the appeal property's garden and crosses arable fields. Beyond the appeal site to the north and east are open fields. The site is at the edge of the village abutting the countryside, and the area has a verdant, rural character.
5. The existing garage is single storey and is constructed of brick with a wide front elevation, comprising three-bays and a window. The garage is single

storey and has a pitched roof of corrugated sheeting. The garage is relatively large and has a simple form and functional appearance.

6. The existing garage is set back in the plot against the rear boundary and behind an area of hardstanding. The appeal property's front elevation abuts the carriageway edge and generally obscures views into the site on the approach from Westhorpe. The garden is enclosed by mature vegetation and is generally screened from view from PROW DN1. Due to its siting and the extent of screening, the existing garage and outbuilding are not visually prominent from the front, with views experienced as glimpses through the site's gated access.
7. Behind the site is a neighbouring garden, beyond which lies a large, open area of grazing land which is crossed by PROW DN2. The 'Village Design Statement for Sibbertoft Supplementary Planning Document 2008' (VDS) identifies an 'important open view' (IOV) from the point at which PROW DN2 meets the churchyard's rear gate. Guideline 4.5 of the VDS requires all existing important views within the village and into the countryside be protected and enhanced. The IOV looks across the open grazing land toward the rear side of the row of buildings at Westhorpe. Built development is therefore a feature of the IOV.
8. The proposal would involve demolition of the existing garage. The proposed 1.5 storey outbuilding would provide a garage and workshop at ground floor, with a gym, bar, and games room in the attic. It would be sited broadly on the footprint of the existing garage, thus appearing as a replacement.
9. Guideline 6.8 of the VDS resists proposals that are too large in scale and massing for the plot. VDS guideline 6.13 requires new garages relate to the dwelling to which they belong and be in sympathy with surrounding property in terms of design, materials, and construction.
10. The proposed garage would be greater in depth and width, and thus have a larger floor area than the existing garage. However, the proposed garage would be sited within a large plot, which the Council indicate is sufficiently sized to accommodate an outbuilding with a larger footprint.
11. The proposed garage would have a three-bay frontage and a pitched roof and would therefore appear similar in form to the garage it replaces. The proposed garage would be constructed with facing bricks and a slate roof. The materials would be sympathetic, complementing the host dwelling and minimising the development's visual impact.
12. The proposed garage's rear elevation would be visible from PROW DN2 and within the IOV, where it would be viewed in the context of other built development. However, the rear elevation would comprise brick and a pitched roof and therefore would be visually similar to the existing garage.
13. The existing garage's roof height is lower than that of the outbuilding, which in turn is lower than the main dwelling. This stepping down of roof heights across the site can be seen from the rear from PROW DN2. However, from this vantage point, the site's buildings are viewed within the context of other nearby buildings that comprise a mix of architectural styles with differing roof heights and types, side and rear projections, roof additions, and outbuildings. The roofline of the row of buildings at Westhorpe has an organic feel, and the stepped effect across the site is of limited significance to the area's character.

14. The proposed garage would be taller than the garage it replaces and would exceed the height of the outbuilding. However, the proposed garage would comprise of two main volumes with differing ridge heights. This would break up the building's massing and retain a step down in roof heights across the site.
15. The main dwelling is the most visually dominant building on the site. The proposed garage's ridge height would be set down from roof ridge of the appeal property. The proposed garage would therefore appear subservient in height to the appeal property. The proposed garage would also be lower in height than neighbouring Roserie Cottage, and the proposed garage's eaves would be comparable in height to the eaves of the adjacent outbuilding and therefore, the height of the proposed garage would not appear out of keeping with surrounding building heights.
16. The siting of the garage close to the appeal property and within its domestic curtilage would provide a clear visual relationship, and therefore the garage would not appear as a separate dwelling.
17. The dual-pitched roof dormer would exceed the eaves line of the main dwelling. However, the dormer would not be visible in the most prominent views of the site, namely from the rear at PROW DN2.
18. PROW DN2 and the IOV offer wide views across grazing land. The proposed garage would generally be distant and would not appear dominant within the landscape context. The proposed garage would not appear excessive in scale and massing, and the magnitude of visual change would therefore be small. The proposal would not be visually dominant and would not erode the open character of the view across the grazing land and wider countryside. The proposed development would therefore maintain the IOV and would have a neutral effect on views from the PROW DN2.
19. The proposed garage would be set back in the site and would generally be obscured from view from Westhorpe by the host dwelling. From Westhorpe, views the proposed garage would be limited to the glimpses through the gated access. The garage would not therefore be visually prominent in the street scene of Westhorpe and would not detract from the appearance of the host dwelling. Its siting within domestic curtilage would not appear out of keeping with the residential character of Westhorpe.
20. In addition, views of the garage from PROW DN1 would be generally obscured by the garden's boundary vegetation. Therefore, the proposal would not have a harmful visual impact on PROW DN1.
21. Since the proposed garage would replace the existing garage and would be sited within the appeal property's curtilage, it would not encroach into the countryside. Therefore, it would not significantly alter the setting or relationship between built form and surrounding countryside.
22. As set out above, the proposed garage would be larger than the existing garage but would appear subservient to the host dwelling. The garage would not be visually prominent from Westhorpe or PROW DN1 and would not adversely impact views from PROW DN2 including the IOV. The proposal would not harm the form, character, or setting of the village. For these reasons, the development would not harm the character and appearance of the area.

23. The proposal would therefore comply with Policy R1(E) of the West Northamptonshire Joint Core Strategy Local Plan (Part 1) 2014 which requires development in rural areas be of appropriate scale to the existing settlement.
24. In addition, the proposal would satisfy Policy SP1(G) of the Settlements and Countryside Local Plan (Part 2) for Daventry District 2020 (SCLP), which requires development protect and enhance the built and natural environment and the district's heritage assets, including protecting the open countryside; SCLP Policy RA3(C)(i) and (iii), which require development in Sibbertoft be small scale and protect the form, character and setting of the village and areas of historic or environmental importance including those identified in village design statements; and SCLP Policy ENV10(A)(i) and (iii) which support development that reflects and integrates with the surrounding area and takes account of local building traditions and materials.
25. The proposal would therefore accord with paragraph 135 of the National Planning Policy Framework (the Framework) which requires proposals be sympathetic to local character, including the surrounding built environment and landscape setting.

Other Matters

26. The Council's landscape officer raised concerns regarding the siting of the proposed garage close to existing trees, which may result in pressure to cut back branches to retain clearance and light. The trees are within the appeal site and are not subject to statutory protection. Conditions have been suggested, including use of tree protection fencing and details of foundations, and therefore I am satisfied the proposal would not result in the loss of trees.
27. The proposed garage would replace an existing three-bay garage and would serve the existing dwelling, and therefore is not expected to result in an increase in traffic and would not affect the surface of the bridleway.
28. The solar panels would be situated on the east elevation and would generally be unobstructed. I have been provided no evidence to substantiate concerns that their siting would be inefficient.
29. There would be adequate separation between the proposed garage and neighbouring dwellings to avoid adverse impacts on the living conditions.

Conditions

30. The Council has provided a list of suggested conditions, including pre-commencement conditions, which I have considered against the provisions of the Framework. The appellant has confirmed their agreement to all pre-commencement conditions.
31. In addition to the standard time limit of the permission granted, in the interests of certainty, I have attached a condition specifying the approved plans.
32. To ensure the proposed development does not result in the creation of a separate, self-contained unit of accommodation, I have attached a condition requiring the building be used only for purposes ancillary to the residential use of the dwelling.
33. To maintain the character and appearance of the area, I have attached conditions requiring submission and approval of details of materials, including

windows and doors, and solar panels. To protect trees and their contribution to the character of the area, I have attached conditions requiring submission of a method statement and tree and root protection measures during construction.

34. To conserve ecology and provide biodiversity enhancement, I have attached conditions requiring update of the Protected Species Survey and details of bat and bird boxes.

35. I have not imposed the suggested conditions which seek to remove permitted development rights. Such conditions would not be necessary to make the appeal proposal acceptable in planning terms and therefore would not comply with the Framework. Furthermore, paragraph 54 of the Framework indicates planning conditions should not be used to restrict national permitted development rights unless there is clear justification to do so.

Conclusion

36. For the reasons given above, having regard to the development plan taken as a whole and all other relevant material considerations, I conclude the appeal should be allowed.

E Dade

INSPECTOR

Schedule of 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 drawing nos 0037-102 Revision 00 *Proposed Garage Site Plan*; 0037-120 Rev 03 *Proposed Floor Plans | Garage*; 0037-320 Rev 05 *Proposed Garage Elevations*.
- 3) The garage hereby permitted shall not be occupied at any other time other than for purposes ancillary to the residential use of the dwelling known as The Roserie, 26 Westhorpe, Sibbertoft, LE16 9UL. For the avoidance of doubt the garage shall not be used as a separate residential dwelling or for any other commercially let residential use, which includes holiday let accommodation.
- 4) Prior to construction works above slab level, samples of the materials to be used in the construction of the external surfaces of the development hereby permitted shall be provided on site for inspection by the Local Planning Authority. Only the materials as approved in writing by the Local Planning Authority shall be used on the approved development.
- 5) Prior to the commencement of work on all of the windows and doors, full details of all new external joinery are to be submitted to and approved in writing by the Local Planning Authority and implemented as approved.
- 6) Prior to the installation of the solar photovoltaic panels on the roof of the east elevation of the garage, full details of the solar photovoltaic panels shall be submitted to and approved in writing by the Local Planning Authority.
- 7) The tree protection fencing referenced as the 'Construction Exclusion Shown' and as shown and detailed within the Tree Survey Report Pre-Development produced by RGS Arboricultural Consultants and dated November 2022 shall be implemented prior to the commencement of the development hereby permitted. The fencing shall be implemented in accordance with these details and shall remain in place until all equipment, machinery and surplus materials have been removed from the site. Nothing shall be stored, disposed of, or placed, nor fires lit, in any area fenced in accordance with this condition and the ground levels within these areas shall not be driven across by vehicles, altered, nor any excavation made (including addition/removal of topsoil/subsoil) without the written consent of the Local Planning Authority.
- 8) Prior to the commencement of the works for the garage hereby permitted, a method statement and associated detailed drawings relating to specialist foundations for the garage shall be submitted to and approved in writing by the Local Planning Authority. The foundations and construction of the garage shall be implemented in accordance with the approved details.
- 9) A revised Protected Species Survey shall be undertaken prior to the commencement of the development to establish changes in the presence, abundance and impact on protected species and their habitats. The survey results, together with any necessary changes to the mitigation plan or method statement stated in section 6 of the supporting document "Protected Species

Survey of The Roserie, Sibbertoft, Northamptonshire" (produced by Phillip Irving and dated June 2022), shall be submitted to and approved in writing the Local Planning Authority. Thereafter, the development shall be carried out in accordance with the approved details.

- 10) A method statement for enhancing the biodiversity shall be submitted to and approved in writing by the Local Planning Authority prior to the occupation of the garage. Thereafter, the biodiversity enhancement measures approved shall be carried out retained in accordance with the approved details.
- 11) Full details of a scheme for the location of bat and bird boxes shall be submitted to and approved in writing by the Local Planning Authority prior to the occupation of the garage. Thereafter the bat and bird boxes shall be installed and retained on the site in accordance with the approved details.

END OF SCHEDULE