



Appeal Decision

Site visit made on 10 April 2018

by Kevin Savage BA MPlan MRTPI

an Inspector appointed by the Secretary of State

Decision date: 16 May 2018

Appeal Ref: APP/B3030/W/18/3193021

Woodland View, Main Street, Thorney NG23 7BS

- 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 Michael Miles against the decision of Newark & Sherwood District Council.
 - The application Ref 17/01107/FUL, dated 7 June 2017, was refused by notice dated 4 October 2017.
 - The development proposed was originally described as 're-modelling of dwelling.'
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Decision

1. The appeal is allowed and planning permission is granted for re-modelling of dwelling incorporating side extension in accordance with the terms of the application, Ref 17/01107/FUL, dated 7 June 2017, and subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
 - 2) The development hereby permitted shall be carried out in accordance with the approved plans: A1 Rev A; A2 Rev A; A3 Rev A; A4 Rev A; A5 Rev A; A6; A7; A8; Site Location Plan Scale 1:2500; Site Location Plan Scale 1:1250.
 - 3) The materials to be used in the construction of the external surfaces of the development hereby permitted shall match those used in the existing building.

Application for costs

2. An application for costs was made by Mr Michael Miles against Newark & Sherwood District Council. This application is the subject of a separate Decision.

Preliminary Matters

3. Notwithstanding the description of development set out in the heading above, in my decision I have used the description set out in the Council's decision notice and the appeal form as they more accurately describe the development proposed.
4. The Council in its reason for refusal indicates that the proposal would include a change of use of part of the site which was not applied for. Both main parties

include various submissions in support of their position regarding the lawful use of the land. However, the establishment of the lawful use of this land is not a matter for me to determine in the context of an appeal made under section 78 the Act. It is open to the appellant to apply to have the matter determined under sections 191 or 192 of the Act. Any such application would be unaffected by my determination of this appeal. The proposal is for the re-modelling of the dwelling on land within the appeal site, and I have dealt with the appeal on the basis of this proposed operational development only.

Main Issue

5. The main issue is the effect of the proposal on the character and appearance of the area.

Reasons

6. The appeal site is located towards the end of a short private lane which includes a handful of large, detached properties of traditional form and materials set within mature grounds. I observed the properties within the lane, including the appeal site, to form part of the built up area of the village, being located close to Main Street which forms the main route through the village of Thorney. However, the form and layout of the dwellings and the presence of greenery within and around the properties gives the lane a tranquil, rural character. To the north and east of the appeal site, beyond an area of woodland, is open countryside.
7. The appeal site itself includes a detached, red brick bungalow of a relatively standard, modern design with two outbuildings set within an extensive site, which includes gravelled parking areas to the front, and an expansive grassed area to the rear. Although occupying a large site, the building is modest in scale in comparison to neighbouring dwellings, which are generally two storeys in height. The size of the dwelling relative to its site also serves to lessen its presence within its surroundings.
8. To one side and to the rear of the site is mature woodland with tall trees forming an imposing backdrop. A tall hedge runs along part of the other side boundary of the site alongside the private lane, before the boundary opens up alongside an access track and fenced section of the public footpath which leads around the rear of the site through the woodland.
9. The proposal would comprise a substantial addition to the side of the bungalow closest to the private lane. The main element would be set at right angles to the existing dwelling. It would have two storeys, with the upper floor contained within the pitched roof space. As a result, the ridge height would be taller than that of the bungalow. This addition would be linked to the existing dwelling by a single storey section which would include the re-located front entrance. The proposed additions would use materials to match the existing dwelling.
10. The proposed addition would be undoubtedly large in scale relative to the size of the existing property. The two main elements of the overall building would be closely positioned however, similar in form and materials and the creation of a more prominent front entrance within the link structure would help tie the two elements together. The proposed extension would present a gable end to the front of the property, which would provide a focal point to the front of the dwelling, and help to create an improved sense of scale and massing. The

design and materials of the extension would complement the existing appearance and create a larger dwelling coherent and balanced in its form. Whilst the overall dwelling proposed would not match the design of neighbouring properties, there is sufficient variety to their designs that the proposal would not be a discordant presence within the immediate surroundings.

11. I have also considered the Council's concern that the size of the extension would lead to confusion as to which element is the original and which the addition. Whilst the desire to preserve the primacy of the existing building is an understandable approach in many cases, I am not persuaded that it must be the case here. The existing building is not of a scale, nor does it exhibit specific architectural qualities, which would indicate that it should be preserved as the primary element of the dwelling. On the contrary, the proposal would improve its proportions and presence on the site and give an overall scale more in line with that of neighbouring properties.
12. I therefore consider that the proposal would successfully integrate and strike a balanced visual relationship with the host dwelling, and respect the character and appearance of the surrounding area through design, proportions and detailing, as required by the Council's Householder Development Supplementary Planning Guidance (SPD) (November 2014), in particular at paragraph 7.4.
13. In respect of the wider visual impact, the enlarged part of the dwelling would be partially visible from the entrance to the private lane through the entrance gate, becoming more obvious on approach to the site. The enlarged dwelling would still appear comfortable in its scale and position on the site. There would remain ample separation distance to the side boundary, and the dwelling would not appear oversized or dominant in views from this side, and would not detract from the appreciation of the private lane or neighbouring properties.
14. The enlarged dwelling would also be seen from the public footpath to the side and rear of the site where the hedgerow ends and clear views are possible across the appeal site. The extension would be prominent in these views; however, this would be a view back towards existing development on the appeal site and beyond, rather than a view over open countryside. The enlarged building would not appear harmful in these views given the overall cohesion of the design and materials, and its comfortable sense of scale within the site.
15. Setting aside the question of the lawful use of the land, at my site visit I saw that the whole of the site to the side and rear of the dwelling appeared similarly grassed. What was clear was that the footprint of the extended dwelling would be primarily to the side of the existing bungalow towards the front portion of the overall site, and would involve a very small part, if any, of the land to the rear of the dwelling. The submitted drawings do not indicate any proposed physical alterations within the appeal site beyond the proposed extension to the dwelling. I also observed that the site does not enjoy an open landscape setting as it is effectively enclosed from the wider countryside by the woodland to the boundary. It is instead experienced as part of the immediate surroundings of the residential properties along the private lane and within the built up area of the village. Given the enclosed nature of this part of the site from the wider countryside, and the limited degree of alteration proposed

within it, I do not consider that the proposal would constitute an inappropriate form of development within the countryside.

16. I therefore find that the proposal would not harm the character and appearance of the area, or the wider countryside, and would accord with Spatial Policy 3 of the Core Strategy Development Plan Document (March 2011)(the Core Strategy), which seeks to protect the countryside by ensuring development does not have a detrimental impact on the character and appearance of the location or its landscape setting, and Core Policy 9 of the Core Strategy which expects new development proposals to demonstrate a high standard of sustainable design. The proposal would also accord with Policies DM5 and DM6 of the Allocations & Development Management Development Plan Document (July 2013), and the requirements of the Council's Householder Development SPD which together set out the criteria for the design of alterations and extensions to dwellings, including that they should respect local distinctiveness and the design, materials and detailing of the host building and surrounding area. The proposal would also reflect the guidance of paragraph 56 of the National Planning Policy Framework (the Framework), which stresses that good design is a key aspect of sustainable development.

Other Matters

17. The Council's committee minutes state a concern that the enlarged dwelling could be divided into two properties. However, any such proposal would require planning permission and I have dealt with the appeal before me on its merits.

Conditions

18. I have considered the list of conditions suggested by the Council, and have regard to the advice set out in both the Planning Practice Guidance and in the Framework in terms of both the need for individual conditions and of appropriate wording.
19. To provide certainty, a condition is required specifying the relevant drawings.
20. It is also necessary to impose a condition requiring external surface materials to match the existing dwelling in order to secure a satisfactory appearance.

Conclusion

21. For the above reasons, the appeal is allowed subject to the conditions specified.

Kevin Savage

INSPECTOR