



## Appeal Decision

Site visit made on 14 October 2022

**by K Savage BA(Hons) MPlan MRTPI**

**an Inspector appointed by the Secretary of State**

**Decision date: 22 November 2022**

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**Appeal Ref: APP/B3030/W/22/3302044**

**Glen Holt, Gainsborough Road, Girton NG23 7HX**

- 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 Lewis Birtle against the decision of Newark & Sherwood District Council.
  - The application Ref 21/02191/FUL, dated 6 October 2021, was refused by notice dated 29 December 2021.
  - The development proposed is a new dwelling.
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### Decision

1. The appeal is allowed and planning permission is granted for a new dwelling at Glen Holt, Gainsborough Road, Girton NG23 7HX in accordance with the terms of the application, Ref 21/02191/FUL, dated 6 October 2021, subject to the following conditions:
  - 1) The development hereby permitted shall be carried out in accordance with the following approved plans: BGH/RE/19/003 Location Plan; BGH/RE/21/002 Rev B Proposed Elevations; BGH/RE/21/001 Rev A Proposed Plans, Proposed and Existing Block Plan; BGH/RE/19/VIS/001 Rev A Visibility Splays (with exception of reference to 'Tarmacadam surface to first 5m from edge of carriageway').
  - 2) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (and any order revoking, re-enacting or modifying that Order), other than development expressly authorised by this permission, there shall be no development under Schedule 2, Part 1 of the Order in respect of:

Class A: The enlargement, improvement or other alteration of a dwellinghouse

Class B: The enlargement of a dwellinghouse consisting of an addition or alteration to its roof

Class E: Buildings etc incidental to the enjoyment of a dwellinghouse

Class F: Hard surfaces incidental to the enjoyment of a dwellinghouse

Unless consent has firstly been granted in the form of a separate planning permission.
  - 3) Unless within 3 months of the date of this decision, the vehicle access is surfaced in a hard bound material (not loose gravel) for a minimum of 5 metres behind the highway boundary, and gates at the access point open inwards only and are back a minimum of 5.0 metres from the highway boundary, the use of the site shall cease and all equipment and materials

brought onto the land for the purposes of such use shall be removed until such time as the requirements of the condition are implemented.

Upon implementation of the works specified in this condition, those works shall thereafter be maintained.

In the event of a legal challenge to this decision, or to a decision made pursuant to the procedure set out in this condition, the operation of the time limits specified in this condition will be suspended until that legal challenge has been finally determined.

- 4) Unless within 3 months of the date of this decision, visibility splays of 2.4m x 215m are provided in accordance with the details shown on drawing BGH/RE/19/VIS/001 Rev A, the use of the site shall cease and all equipment and materials brought onto the land for the purposes of such use shall be removed until such time as the requirements of the condition are implemented.

The area within the visibility splays referred to in this condition shall thereafter be kept free of all obstructions, structures or erections exceeding 0.6m in height.

In the event of a legal challenge to this decision, or to a decision made pursuant to the procedure set out in this condition, the operation of the time limits specified in this condition will be suspended until that legal challenge has been finally determined.

### **Preliminary Matters**

2. The application was made retrospectively and I saw the dwelling already constructed on site. However, I noted some minor differences between the dwelling as built and the details shown on the plans, which I address below. For the avoidance of doubt, my assessment is based on the plans before me.
3. I have removed references to 'retrospective planning application' from the description of development as this does not refer to an act of development.

### **Background and Main Issue**

4. The appeal site is located within the open countryside some 1.3km north of the settlement of Girton. Planning permission was granted in December 2019 (Council Ref: 19/01934/FUL) for demolition of a bungalow and its replacement with a two storey dwelling and resurfacing of a driveway.
5. The dwelling constructed on site departs from the plans approved in 2019 in a number of respects, most notably in the replacement of a single storey side lean-to with a continuation of the two storey form on the southern side of the building. Two dormer windows have been added to the front roof slope, the ridge height has been raised by some 300mm and a number of changes have been made to the size, shape and position of windows and doors.
6. The Council also makes reference to the internal access and extent of land in use as residential curtilage, but indicates that these matters are separate to this appeal. Accordingly, I have confined my considerations to the dwelling itself and the works at the site entrance to form entrance walls and gates.
7. Having regard to the evidence before me, the main issue is the effect of the appeal scheme on the character and appearance of the area.

## Reasons

8. Policy DM8 of the Allocations & Development Management Development Plan Document (July 2013) (the ADMPD) sets out that new dwellings in the open countryside will only be granted where they are of exceptional quality or innovative nature of design, reflect the highest standards of architecture, significantly enhance their immediate setting and be sensitive to the defining characteristics of the local area.
9. The policy adds that permission will be granted where it can be demonstrated that the existing dwelling is in lawful residential use and is not of architectural or historical merit. To minimise visual impact on the countryside and maintain a balanced rural housing stock, replacement dwellings should normally be of a similar size, scale and siting to that being replaced.
10. The Council points out that, as the previous bungalow has been demolished, the proposal falls to be considered as a new dwelling, and would not accord with either of the criteria of Policy DM8. However, it concedes that the extant planning permission is a material consideration and that the main assessment to be made in this case is a comparison of the approved and proposed schemes, and whether the latter would have an acceptable effect on the character and appearance of the area.
11. The approved scheme is for a substantial, detached dwelling in the style of a traditional farmhouse, in red brick with a symmetrical, five bay front elevation, side gables, a shallow rear projection and a single storey side lean-to. In approving the dwelling, the Council accepted that it reflected *'the local vernacular and references the form of farmhouses in the vicinity of the area in terms of both design and scale, this being very similar to a dwelling close by.'*
12. The dwelling built on site is larger in size, with a wider two storey footprint in place of the approved single storey lean-to. As a result, the front elevation no longer has the symmetry of the approved scheme, as there is an additional bay of windows to one side and the front door, which is larger than approved, is offset from the centre of the front elevation. This has resulted in a slightly unbalanced appearance to the front elevation.
13. However, the dwelling is set a substantial distance into the site and is screened in large part from the road by trees, hedgerow and the front entrance gates. Consequently, views into the site are limited and fleeting for those driving past the site, with few pedestrians expected to see the dwelling given it is a main road with no footpaths and fast moving traffic. The detailed form of the front elevation, and in particular its lack of symmetry, is not obvious unless viewed from within the site itself. In terms of its effect on the wider character of the area, the enlarged dwelling still appears as a traditional farmhouse in its overall form and materials, which I saw to be of good quality.
14. The addition of two front dormers, though not aligned with the windows below, are nevertheless symmetrical on the roof slope and help to break up the enlarged expanse of the roof slope, whilst also adding a sense of verticality to the building to offset the horizontal expansion at first floor level, thus retaining an overall sense of proportion.
15. Overall, the appeal scheme increases the volume of the dwelling slightly in comparison to the approved scheme, but only by some 3.1% based on the

Council's figures. The footprint as built is negligibly larger and retains the approved L-shape. The eaves height is also unchanged, and the ridge is modestly increased by some 300mm. In the context of a detached dwelling standing by itself on a spacious plot, with no adjacent dwellings against which its scale would be judged, I find that no material harm arises from these modest enlargements which nevertheless retain the essential form and traditional character of a rural farmhouse.

16. For these reasons, I conclude that the appeal scheme preserves the character and appearance of the area, and no conflict therefore arises with the overall aim of Policy DM8 that dwellings in the countryside are sensitive to the defining characteristics of the local area. Nor would there be conflict with Core Policies 9 and 13 of the Amended Core Strategy (March 2019) or Policy DM5 of the ADMDPD, which together require development to a high standard of sustainable design that both protects and enhances the natural environment and contributes to and sustains the rich local distinctiveness of the District and protects landscape character.

### **Other Matters**

17. The dwelling as built has some differences from the plans. To the northern side elevation, a small lean-to extension has been added, as have a set of French doors and Juliet balcony. To the rear, two windows have been added in the shallow flank elevation of the closet wing and two dormer windows added to the main roof. For the avoidance of doubt, I have based my considerations on the plans before me, and it is the details on the plans that would form the basis of permission granted. It would be for the appellant and Council to directly address the implications of any outstanding differences between the plans before me and what has been built on site.
18. The Council did not refuse the application in respect of any other matter and I have no substantive evidence of material harm in any other respect.

### **Conditions**

19. As the development has already been commenced, it is not necessary to impose a time limit condition. However, as there are some differences between the elevational details as built and as shown on the plans, it is necessary to specify the plans which are approved, to provide certainty.
20. The Council refers to conditions imposed on the extant planning permission to secure changes to the site entrance to ensure adequate visibility along Gainsborough Road, and to ensure the entrance is hard surfaced and access gates open inwards. I agree that these are necessary to ensure highway safety. I have no firm indication that these works have already been undertaken to the satisfaction of the local planning authority under the previous permission, and therefore I shall re-impose them on this permission. I have amended the wording of these conditions to reflect the retrospective nature of the proposal and to ensure the conditions are enforceable if necessary.
21. The Council seeks the removal of various permitted development rights under Schedule 2, Part 1 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended), citing the risk to the openness of the countryside and flood risk from further alterations or extensions. In view of the size of the dwelling and site, extensions to the

dwelling could add substantially to its size, rendering it more prominent and out of scale with a traditional rural dwelling, as could sizeable outbuildings. To this end, I agree that there is justification for removing permitted development rights to construct extensions under Classes A and B and outbuildings under Class E. Given the original permission was acceptable, in part, on measures to reduce the impermeable area of the site to prevent an increase in flood risk, I consider the removal of rights under Class F to add hard surfacing are also justified in this case.

22. However, the extent of works permissible to the dwelling under Classes C, D and G is minor, and would not result in a substantial increase in scale or change in overall appearance. Thus, the removal of these rights is not justified.

### **Conclusion**

23. For the reasons set out, I conclude that the appeal scheme accords with the development plan, taken as a whole, and there are no material considerations which indicate permission should nevertheless be withheld.

24. Therefore, the appeal should be allowed.

*K. Savage*

INSPECTOR