



Appeal Decision

Site visit made on 8 January 2013

by M Seaton BSc (Hons) Dip TP MRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 25 February 2013

Appeal Ref: APP/D3125/A/12/2181108

Willow Bend House, Lew Road, Curbridge, Witney, Oxfordshire OX29 7PD

- 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 Adrian Sweet against the decision of West Oxfordshire District Council.
 - The application Ref 12/0906/P/FP, dated 29 May 2012, was refused by notice dated 2 August 2012.
 - The development proposed is described in the planning application form as: "Proposed erection of a 61.79 m² two-bay stable block with associated tack room and hay store, plus a 69.71 m² triple car port and storeroom extension to the previously approved double garage, and a widening of the existing vehicular driveway from 3.657 m to 5.486 m wide."
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Decision

1. The appeal is allowed and planning permission is granted for the proposed erection of a 61.79 m² two-bay stable block with associated tack room and hay store, plus a double garage with attached triple car port and storeroom, and a widening of the existing vehicular driveway from 3.657 m to 5.486 m wide, at Willow Bend House, Lew Road, Curbridge, Witney, Oxfordshire OX29 7PD in accordance with the terms of the application, Ref 12/0906/P/FP, dated 29 May 2012, subject to the following conditions:
 1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
 2. Other than as required by the conditions below, the development hereby permitted shall be carried out in accordance with the following approved plans: Drawing Nos. 200-01 Rev.C, 400-03, 400-04.
 3. Notwithstanding the details shown on the submitted plans, the development hereby permitted shall not commence until details of the following matters have been submitted to and been agreed in writing by the LPA:
 - External materials for the buildings hereby approved
 - Ground floor levels for the garage/ carports/ storeroom building hereby approved.

The buildings hereby approved shall not be used until they have been carried out in compliance with these agreed details.

4. Prior to the commencement of development, a full surface water drainage scheme shall be submitted to and approved in writing by the Local Planning Authority in relation to the garage/ carports/ storeroom building hereby approved. The scheme shall include details of the size, position and construction of the drainage scheme and results of soakage tests carried out at the site to demonstrate the infiltration rate. The development shall be carried out in accordance with the approved details prior to the first occupation of the development hereby approved.

Procedural Matters

2. There is some variation between the descriptions of the proposal that appear on the planning application form, the appeal form and the Council's decision notice. I note that there have been submissions from the main parties in respect of the description of the proposals, and in particular the references made to the previously approved replacement dwelling and detached carport (Ref. 11/0791/P/FP). On reviewing these submissions, I have noted in particular the Council's revised description of the proposals in their e-mail of 31 August 2012, and also that all of the descriptions indicate that permission is sought for a stable block, a double garage with attached car port and storeroom, and alterations to the existing access. On this basis, and also in light of my conclusions below on the extensions to the previously approved building, I have made only a minor alteration to the description of the double garage and car port, and I am therefore determining the appeal on the basis of the following:

"Proposed erection of a 61.79 m² two-bay stable block with associated tack room and hay store, plus a double garage with attached triple car port and storeroom, and a widening of the existing vehicular driveway from 3.657 m to 5.486 m wide."

3. For convenience, I have referred throughout the decision to the double garage with attached car port and storeroom as "garage building".
4. It is a reasonable assumption that on the basis of the ongoing building works, that the previously approved scheme for the garage building represents a valid 'fallback' position in assessing the merits of this appeal. I note that whilst building work had commenced on the approved replacement dwelling at the time of my visit, no work had been undertaken on the garage building. Whilst the focus of this appeal essentially relates to an extension to the previously approved garage building, I agree with the Council that in the absence of any substantive works on this element of the scheme, it is not possible to consider the extension in isolation. I have therefore assessed the merits of the proposed garage building and its extension in its entirety in reaching my decision.
5. Following the site visit, the appellant submitted an additional plan (Drawing No. 200-01 Rev. C) to provide clarity over the precise position of the proposed garage building and extension. Both parties have made detailed submissions during the appeal regarding the correct position of the buildings, and on the basis of the plans as submitted were unable at the time of the site visit to reach a definitive agreement on this matter.
6. Whilst I have noted the Council's further representations following the submission of the additional plan, it is my view that this plan provides the clarity and certainty required regarding the position of the appeal proposal, and

would not be a departure from the scheme the Council determined and consulted upon. Furthermore and as already stated, I have determined the appeals on the merits of the garage building and extension in its entirety. Whilst third parties have not been consulted over this additional plan, I have concluded that they will not be prejudiced as the changes are not significant and result in the garage building being further away from the neighbouring properties. I have therefore taken this plan into account in coming to my decision.

7. Both the appellant and Council have confirmed in their submissions that neither the stable block nor the widened access drive are contentious in relation to the appeal. Furthermore, and subsequent to the refusal of planning permission the subject of this appeal, both have been granted planning permission (Ref. 12/1267/P/FP).

Main Issue

8. The main issue in this case relates to the effect of the proposed development on the living conditions of the adjoining occupiers of Vine Cottage and Strawberry Hill, having regard to outlook.

Reasons

9. The appeal proposals comprise an L-shaped building incorporating two distinct elements of development. The two elements are a double garage and a triple carport and storeroom. The building would possess a pitched roof with a gable end at the western end of the carport element, and all other roofs hipped. The garage building would be constructed of a mix of stone and timber boarding.

Impact on living conditions for occupiers of Strawberry Hill

10. Strawberry Hill's first floor rear bedroom window currently overlooks an undeveloped corner of the appeal site from relatively close range, albeit that the original 2-storey cottage element of Strawberry Hill is set at a lower ground level than the adjoining land. The current outlook from this window, whilst affected to a degree by the existing timber close-boarded fence on the boundary, allows long views towards open countryside and fields both over the appeal site and the fields to the rear of Strawberry Hill.
11. The appeal proposal would undoubtedly have an impact on the current level of outlook available for users of the rear bedroom, and would close off any currently open views across the appeal site. However, the set-back of the triple car port element of the proposals from the boundary, combined with the proposed roofscape, would minimise the impact of the development as viewed from Strawberry Hill's rear bedroom window and it would not have a significant impact on the overall outlook from the property. Therefore I conclude that there would not be an unacceptable degree of harm caused for users of the rear bedroom.
12. The proposed garage building would be clearly visible from the rear patio area of Strawberry Hill, which enjoys an open and uninterrupted outlook to the rear of the property. I recognise that this is an attractive area likely to be well-used by the property's residents. However, given that the outlook towards Willow Bend House has already been interrupted by the close-boarded fence on the boundary, I conclude that the proposed building on the appeal site would not

have such an overbearing impact as to result in an unacceptable loss of outlook for occupiers of Strawberry Hill.

Impact on living conditions for occupiers of Vine Cottage

13. The main impact of the appeal proposal on Vine Cottage would be in respect of the use of the rear and side garden areas. The element of the appeal proposal closest to the boundary with Vine Cottage would be the double garage block, with the triple car ports essentially screened from view by this part of the development. There is an existing timber fence located on the boundary with the appeal site.
14. The garden to Vine Cottage is more enclosed in character than the rear garden of Strawberry Hill, which is due in part to the comparatively small area it covers. However, the combined impact of the existing close-boarded fence on the appeal site boundary, an existing pitched roof garage building located within the rear garden, and the two-storey gable end of adjoining Strawberry Hill, contributes significantly to the enclosed character. The roof of the double garage block would be the main part of the appeal proposal that would be visible over the fence. However, given the existing context, it would not appear overbearing and there would not be an unacceptable impact on the outlook from the garden.
15. For the reasons given, I conclude that the erection of the double garage building would not result in an unacceptable loss of outlook or have an overbearing impact on the living conditions of the adjoining occupiers at Strawberry Hill and Vine Cottage. I therefore conclude that the development would not conflict with Policy BE2 of the West Oxfordshire Local Plan 2011, or the objectives of the National Planning Policy Framework. These policies seek to ensure that development creates or retains a satisfactory environment for people living in the area.

Other Matters

16. The Council contends that the development could be redesigned and improved so as to lessen any impact on adjoining properties. However, the possibility of a different scheme does not justify refusing permission for this scheme which I have found unlikely to cause any demonstrable harm.

Conditions

17. The Council has suggested a number of conditions which it considers would be appropriate were the appeal to be allowed. I have considered these below in the light of Circular 11/95.
18. In the interest of proper planning, a condition relating to timeliness would be necessary, and I have added a condition relating to the identification of plans. In the interests of the character and appearance of the area, a condition requiring details of external materials is needed.
19. I have noted the Appellant's comments questioning the necessity of the suggested conditions requiring details of site levels and surface water drainage, and in particular the references made regarding the approval of similar details on the site to satisfy the other planning permissions. However, the conditions suggested by the Council relate specifically to this element of the development of the site, and I have concluded that they are justified.

Conclusion

20. For the reasons given above and subject to the conditions listed, the appeal should be allowed.

M Seaton

INSPECTOR