

Appeal Decision

Site visit made on 4 August 2014

by Chris Couper BA (Hons) DiP TP MRTPI

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

Decision date: 12 August 2014

Appeal Ref: APP/G1630/A/14/2219625

Foxhollow, The Stream, Ashleworth, Gloucester GL19 4JH

- 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 James Joyce against the decision of Tewkesbury Borough Council.
 - The application Ref 14/00125/FUL, dated 14 February 2014, was refused by notice dated 4 April 2014.
 - The development proposed is demolition of existing cottage, erection of 3 bedroom cottage as a replacement dwelling, and erection of secure storage and drying areas, associated to existing stable.
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Decision

1. The appeal is dismissed.

Main Issue

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

Reasons

3. The appeal site is located amongst a loose scattering of dwellings and farm buildings, which are set in countryside a little way from Ashleworth village. The buildings here are finished with a variety of materials, although I noted that the dwellings often have stone, brick or painted finishes. Those dwellings typically have a fairly simple plan form, with ridged roofs and gables. The Mount, to which the proposed dwelling would be attached, shares those broad characteristics. It is two storey with a rectilinear plan form, finished predominantly in brick, and with a ridged roof and gable end. Its form, and the shape and pattern of its windows give the building a relatively horizontal emphasis.
 4. The proposal would involve the demolition of an existing cottage, 'Foxhollow', which is attached to The Mount. Foxhollow has a painted brick front elevation, and from the front it broadly reflects the height, design and form of its neighbour. However, it has a two storey rear extension, which is finished in render, and whose form, design and materials are very much at odds with the original cottage. The appellant states that the cottage is in a poor state of
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repair. Described by the Council as 'low key' and 'inoffensive', I have no reason to disagree with both parties that its demolition would be acceptable.

5. In its place, the appellant proposes a building of significantly greater size, which would be attached to The Mount. That adjoining section of the proposed building would have a similar siting, eaves and ridge height to its neighbour, and would be clearly seen with The Mount when approaching along the highway from the south-east. To the north-west, the building's height on its long front elevation would reduce in steps, before linking at roof height to a car port and tack room/boiler which would be laid out at right angles to the road. The proposed barrel-shaped roof on the car port would be similar in form to the roof on a projecting rear section of the proposed dwelling.
6. Amongst other matters, policy HOU7 of the Tewkesbury Borough Local Plan to 2011 (adopted 2006) ('Local Plan') sets out that replacement dwellings should be of a similar size and scale to the existing dwelling. However, the Council states that the National Planning Policy Framework ('Framework') may allow greater flexibility in terms of the size and scale of a replacement dwelling. I also note that the reasoned justification for policy HOU7 is to protect the local environment and the wider landscape. Consequently, whilst the proposed dwelling would, in many respects, be significantly larger than the cottage it would replace, the consideration here is its effect on the character and appearance of the area.
7. The proposed building responds to the site's topography, and its scale and massing would be broken-up through changes in roof height and form, the open-sided link, and its layout. Whilst the Council states that there appear to be no barrel roofs in the vicinity, I accept that they can be a traditional feature of agricultural buildings. However, in this location, given the simple design, form and layout of The Mount, these elements of the proposal would result in a building of an overly complex appearance, which would contrast markedly with its attached neighbour.
8. From the front, that part of the proposed building immediately adjacent to The Mount would reflect the neighbouring property's form and siting. However, as there would be no clear articulation or visual break between the two, the extensive glazing and the use of timber louvres would contrast with the fenestration and more simple design of The Mount. Consequently, those elements of the design and its vertical emphasis, would mean that rather than sitting comfortably alongside its neighbour as stated by the appellant, there would be an awkward relationship between the two properties.
9. It may be possible to extend the existing cottage under permitted development rights, and, from the information before me, I accept that a large outbuilding could be erected without the need for planning permission. Be that as it may, I have no substantive evidence that dismissal of the appeal would result in any such scheme being built. Furthermore, I have concluded that the harm from this proposal would arise from elements of its design and appearance, and particularly its relationship with its neighbour, rather than its overall size and scale. Consequently, the additional size and volume of built development that could be erected under permitted development rights is of limited relevance to my decision.

10. The Framework sets out that planning decisions should not impose architectural styles, or stifle innovation and originality. However, it also requires at paragraph 58 that proposals respond to local character, and reflect the identity of local surroundings. Given the relatively simple layout, form and character of the building to which it would be attached, the proposal would appear incongruous, and would detract from the streetscene. For those reasons, the scheme would conflict with the Framework and with those parts of policy HOU7 which require proposals to respect the scale and character of existing characteristic property in the area. As that policy is broadly consistent with the Framework, I accord it significant weight in my decision.
11. In its favour, the proposal would replace a building in a poor state of repair with a contemporary, energy-efficient dwelling, built to 'life time home standards', in a landscaped setting, finished with quality materials, and sustainable features including a ground source heat pump. The site is within reasonable walking distance of the facilities in Ashleworth, and there would be economic benefits during construction. I note the appellant's assertion that the Council cannot demonstrate a 5 year housing land supply. The Council has not responded on that matter, and I have limited evidence to assess its current housing supply, or to assess whether the existing cottage is capable of being occupied. However, even if the proposal would make a small contribution towards addressing the Council's undersupply of housing, that, and the other matters in favour of the scheme, do not outweigh the significant harm that I have identified.
12. I appreciate the appellant's desire to retire to the area where he has family links and to create a 3 bedroom home, with associated secure facilities for the horses that are stabled on the site. The proposal is supported by a detailed explanation of its design philosophy, which includes 3D studies, the construction methodology to limit disruption, and an arboricultural survey and impact assessment.
13. I note the neighbouring occupiers' concerns regarding the effect of the proposal on the safety and security of that property. However, I have limited evidence to assess those issues, and they have not been determinative in my decision.
14. Summing up, the proposal would, as a result of its form, layout and elements of its design, have an awkward relationship to its attached neighbour. Consequently, it would be detrimental to the streetscene, and would cause significant harm to the character and appearance of the area. That harm is not outweighed by the benefits of the proposal, including any limited contribution that it may make to the supply of habitable accommodation. The environmental role of sustainable development includes contributing to protecting, or enhancing, the environment. Whilst the scheme would address other dimensions of sustainable development, in conflicting with that objective, it would not be the sustainable development for which the Framework places a presumption in favour. For those reasons, and having regard to all other matters raised, the appeal is dismissed.

Chris Couper

INSPECTOR