

11 December 2017

Report of	Assistant Director – Policy and Corporate	Author	Andrew Tyrrell
Title	Summary of Appeal Decisions: September, October, November 2017		
Wards affected	All		

This report summarises recent appeal decisions received between the 7th of September and the 14th of November 2017. The full decisions are available on each of the relevant planning applications viewable on our website, or via the Planning Inspectorate site. The report ensures that the Committee remain up to date with appeal reasoning, outcomes, and trends; for future decision making.

Foreword: Appeals Decisions Received

- i. The last report to the Committee was at the end of August. Since then, there have been 10 appeal decisions received on 9 sites (Appeal 4 and 4a relate to a full permission and listed building consent for the same development). 9 have been dismissed, whilst 1 was allowed. Since April there have been 23 appeals, of which 8 have been allowed (34.7%). 3 of the appeals have related to Committee decisions, from which 2 were allowed (66.6%).
- ii. Before summarising the most recent appeals, attention is drawn to the recent court decision (on 16th October 2017) regarding the case of CPRE Kent (Respondent) v China Gateway International Limited (Appellant). **This decision affects the Planning Committee process and needs to be acknowledged for future reference when making decisions to approve permission contrary to the officer recommendations.**
- iii. In this Supreme Court case, the consideration was the correct legal standard to be applied in assessing the adequacy of reasons provided by a Council when granting planning permission. As background, the appellants had gained permission for a large-scale residential development in an AONB. This was recommended for refusal by officers, but the planning committee granted permission contrary to the officer recommendation. The Respondent brought a claim for judicial review on grounds that the committee had not provided adequate reasons for its decision. The claim was dismissed at first instances but allowed on appeal by the Supreme Court and the decision was quashed.
- iv. This is especially relevant to our Planning Committee as it reiterates that when you overturn officer decisions you must give adequate reasons (to be recorded) of why you have reached the decision you have. This is always done for refusals, but also applies to approvals. When officers make a recommendation their report sets out full reasons for why they reached the conclusion they did. However, if the Committee makes a contrary decision then the report will not explain how the decision was reached, and therefore it is necessary for the Councillors to make an account of why they have reached a different decision. The Committee would need to state full reasons why they formed the conclusion that it was acceptable, and record an account of the various issues it has considered, how much weight they have given to each factor, and the logic how they have reached their decision. We do have the “DROP” procedures should these reasons need to be expanded and this is a safeguard against such a challenge if we find a similar situation occurring.

1.0 “Appeal 1” Details

Site Address: Lodge Cottage, Lodge Lane, Peldon, Essex CO5 7PZ

Outcome: Dismissed

Inspector: Jonathan Price BA(Hons) DMS DipTP MRTPI

Appeal Ref: APP/A1530/W/17/3169662

Application No: 162473 (refused 24/11/16)

Proposal: The erection of single-storey extension and conservatory with internal alterations to sub-divide the existing dwelling into two dwellings.

- 1.1 The main issue considered was whether the proposal would comprise sustainable development in the context of local and national planning policy. The dwelling was to the north of Peldon, 100m outside the settlement boundary. As a small settlement with no shop, school or medical centre and limited public transport availability, the Inspector agreed that this was an isolated and unsustainable site for development. The Council directs development to large urban areas and protects the countryside from isolated development, in accordance with national and local policies.
- 1.2 Paragraph 55 of the Framework states that we should avoid new isolated homes in the countryside unless there are “special circumstances”; with criteria set out as to what this means. None of the specified “exceptions” would apply to this case, therefore the Inspector rules it out. In doing so they found that only limited weight can be given to the fact that it was not a new building and was provided through conversion, which “does not outweigh the clear conflict found”.
- 1.3 The Inspector noted that the Local Plan provides the five year supply of housing land required by the Framework which means there is little justification for development in rural areas. The Winstred Hundred Village Design Statement and Parish Plan (VDS) were referenced, and the Inspector said that he had “given particular regard to the Parish Council’s view that this proposal might exceptionally be supported by not being a separate new dwelling and offering smaller, lower cost housing that might enable young couples to stay in or return to their home village”. However, he continued that “there is nothing to suggest the proposal would comprise affordable housing as defined in the Framework or be available to meet this specific need. Therefore, the views of the Parish Council did not persuade him this proposal would be supportable.
- 1.4 The proposal would amount to the piecemeal development of housing outside the village boundary and in the countryside and where future occupants would not have convenient access to regular required services other than by means of private car use. The proposal would therefore conflict with several policies designed to actively manage patterns of growth to make the fullest possible use of public transport, walking and cycling, and focus development in locations which are or can be made sustainable

2.0. “Appeal 2” Details

Site Address: St Ives Road, Peldon, Colchester, Essex CO5 7QD

Outcome: Dismissed

Inspector: S J Buckingham BA (Hons) DipTP MSc MRTPI FSA

Appeal Ref: APP/A1530/W/17/3174693

Application No: 162987

Proposals: A residential development of five dwellings (outline, with all matters reserved).

- 2.1 The main issues were whether the proposal would constitute sustainable development, its effect on the character and appearance of the area, impacts on any protected species and the effect of the development on protected trees on the site. The land was on the edge of Peldon, directly adjacent to a large pond, with further ponds curving round in an arc to its east and a boundary running along Mersea Road that has a naturalised hedgerow including young Elms.
- 2.2 The site was not necessarily in “open” countryside; it adjoins residential properties to the south east, south and west sides, while to the north are light industrial units. It was, however, outside the settlement boundary of Peldon, and was greenfield land within the Coastal Protection Belt.
- 2.3 Again, the Inspector identified an up-to-date and deliverable housing land supply, and said that the provision of housing on a “windfall site” (i.e. unplanned additional development) such as this would make only a limited contribution to meeting housing need. Although a dwelling would be a small benefit, it would not outweigh the conflict with development plan policy. The appellant had pointed to conversion of the farm buildings to the north and claimed these had been approved contrary to policies directing development to urban areas, but housing policies differed to commercial or industrial developments. In any event, cases should be determined on their own merits.
- 2.4 Once more, Inspectors pointed out that Peldon has very limited services and facilities, including a church, pubs, and a regular but infrequent bus service. They concluded on this basis that the development would create an “isolated home” in the countryside, which would not be justified by any of the special circumstances set out in the NPPF. Although submitted in outline form with all matters reserved, it was clear that the 5 new dwellings, along with the provision of access, parking and boundary treatments, would add up to an urbanising effect on the previously open and rural character of the site.
- 2.5 In addition, the Inspector agreed with the Council that the NPPF is clear that we should minimise impacts on biodiversity. Standing advice from Natural England advises that a survey for Great Crested Newts (GCN), a protected species, should be provided if there is a pond within 500m and “refuges” such as grassland, scrub, woodland or hedgerows. The site has such features, and the Council had requested such a survey; although none was provided. The Inspector concluded that it was “essential that the presence or otherwise of a protected species is established before the planning permission is granted... considerations to which I attach considerable weight”.
- 2.6 The Council had also indicated that the trees and hedging on the road boundary are protected by a Tree Preservation Order. The Inspector found that, due to their height and length, the hedge and trees had “significant visual amenity value”. The application contained no detailed mapping of the protected trees or their root protection areas; therefore, there could “be no certainty of any effect on them arising from the development”. The Inspector also agreed that it was legitimate to consider the future living conditions of the future occupiers, and that the trees would probably come pressure for works to afford more light to the new homes.

3.0 “Appeal 3” Details

Site Address: 114 Braiswick, Colchester CO4 5BG

Outcome: Dismissed

Inspector: Michael Evans BA MA MPhil DipTP MRTPI

Appeal Ref: APP/A1530/D/17/3176558

Application No: 170325

Proposal: Single storey side extension.

- 3.1 The main issue in this appeal was the design, specifically the effect on the character and appearance of the host dwelling. The host dwelling is “L” shaped with a two storey part projecting towards the street and another to the side, with an angled part in between (joining across the inside corner with a 45-degree connecting entrance). The arrangement gave the front of the property, centred on the angled two storey section, an attractively balanced and symmetrical appearance so that (despite not being a Listed Building or within a Conservation Area) the host dwelling had “some architectural merit”.
- 3.2 The proposed extension, to the side, would be significantly wider than the adjoining two storey part between it and the tilted entrance section. This would also be appreciably wider than the street facing two storey gable end. This excessive width was not set back from the attached front wall and the pitch of the roof to the extension would be noticeably less than the main roof (because of the wide span). As such, it was considered “a poorly proportioned and somewhat squat appearance”. This was at odds with the strong vertical emphasis of the host dwelling and would harm the “attractively balanced and symmetrical appearance”.

4.0. “Appeal 4” and “Appeal 4a” Details

Site Address: Forge Cottage and “The Forge”, Church Road, Peldon CO5 7PS

Outcome: Dismissed (both)

Inspector: Cullum J A Parker BA(Hons) MA MRTPI IHBC

Appeal Ref: APP/A1530/W/17/3172750 and APP/A1530/Y/17/3172752

Application No: 161167 and 161168 (refused 30 September 2016)

Proposals: Retention and refurbishment of two Grade II listed buildings, demolition of the modern extensions/alteration to the existing dwelling (Forge Cottage) and replacement of these with a new extension. Restoration and repair of the existing forge building for employment use. New parking provisions.

- 4.1 The main issue for both appeals was the effect of the proposal on the character and appearance of the street scene and special architectural/historic interest of the listed buildings. The appeal buildings are located at the entrance to the settlement of Peldon, facing an open triangular-shaped green known as Peldon Common. Forge Cottage and The Forge are both Grade II listed buildings; the Cottage building being two-storey and facing the Common, with the Forge located adjacent to Church Road, seen within the context of the Cottage. The appellant considered that both buildings were subject to previous works and were no longer worthy of their listing. In the Inspector’s judgement, consistent with our own, the buildings continued to be of special architectural and historic interest, with no justification for de-listing these buildings.
- 4.2 On the proposals, the extensions to Forge Cottage would be considerably larger than those already attached or near to the building. The footprint of the rear two-storey extension would be much deeper, with a large catslide style roof on one part. The combination of the additions to the Cottage building would overwhelm its well-proportioned appearance and adversely compete with the simple form of the building. These extensions would be publicly visible, including from the green, and the size and scale of the extensions would have a negative impact on the significance of the listed building.

5.0 “Appeal 5” Details

Site Address: 15 Lexden Road, Colchester, CO3 3PL

Outcome: Dismissed – and an award of costs refused

Inspector: Cullum J A Parker BA(Hons) MA MRTPI IHBC

Appeal Ref: APP/A1530/W/17/3177928

Application No: 170149 (refused 27 March 2017)

Proposal: To replace an existing house (to be demolished) with two new houses with garden room/basement level.

- 5.1 The main issues were whether the proposed development would preserve or enhance the character or appearance of the Conservation Area (including trees within the site), its impact on the street scene more generally, and whether it would preserve the setting of a nearby Grade II listed building, as well as the effect of the proposed development on the living condition of occupiers of No 13 Lexden Road, with specific regard to overshadowing.
- 5.2 On the character and appearance issue, the Inspector found that the Conservation Area was mainly characterised by Victorian development, mostly large detached houses set within relatively spacious plots or institutional buildings. Whilst of differing appearances, there remained consistent features of their period, giving a degree of “linked uniformity”. The proposed development was a 4-bay, 3-storey dwelling (with basement level) that was at odds with the immediate context of the area. The Inspector called it “a false pastiche of history; appearing as misplaced”. The building would extend to about 85% of the width of the site and divide it into two plots (with 4 parking spaces in the front) and this would “add to a sense of overdevelopment” as the 3-storey form “would be significantly and noticeably taller” the neighbouring properties.
- 5.3 In terms of trees to the front of the site, the protected tree is large and “contributes positively to the leafy and verdant character of the Conservation Area”. The Tree Survey indicated that a no-dig driveway could be used to help protect roots. Whilst there may be some future pressure to prune the tree, the Inspector considered that there are existing controls within conservation areas to manage such changes so did not include this in their own refusal.
- 5.4 In terms of the setting of the listed building (the language school), “the Act” requires that special regard is paid to setting. In this case, the listed building sits within its own spacious plot and the significance of the building stemmed from its appearance within its own plot and historical links with the growth of Colchester in the Victorian era. Whilst the surroundings would change, this significance “would not be diminished by the proposed development”.
- 5.5 In summarising, the Inspector stated that, when taking all the various strands in the round, he thought “that the design, form, mass, scale and bulk of the proposed development would fail to preserve or enhance the character or appearance of the Conservation Area”. He added that “it would result in material harm to the character and appearance of the wider street scene”. Accordingly, it was held to be contrary to a number of policies nationally and locally.
- 5.6 With regard to living conditions of neighbours, the appellant commissioned a Daylight and Sunlight Report in June 2017. This concluded that the impact for occupiers of No 13 (in terms of daylight) would be acceptable. In the absence of any contrary survey, the Inspector saw no reason to disagree with the conclusions of this report. However, the report was only commissioned after the refusal, and this evidence had not been put to the Council when it made its decision. Consequently, on the application for a costs award

against the Council by the appellant, this was refused. The Council had not acted unreasonably in forming its reasons for refusal based on the submission. Although the Inspector did not agree that there was impact on light to the neighbours, costs may only be awarded against a party who has behaved unreasonably. The Inspector stated that the Council had provided reasons as to why it took the decision it did in relation to the adopted development plan policies on both the decision notice and in the officer's delegated report. The three reasons for refusal were clear to the objective observer and were also justified at the planning determination and appeal stages. While they had not agreed with all of them they were still reasonable conclusions for the Council to have arrived at.

6.0. "Appeal 6" Details

Site Address: White Lodge, Roundbush Road, Layer Marney CO5 9UR

Outcome: Dismissed

Inspector: Tom Gilbert-Wooldridge BA (Hons) MTP MRTPI IHBC

Appeal Ref: APP/A1530/W/17/3174878

Application No: 162639 (refused 20 January 2017)

Proposals: A change of use and alterations to rural outbuilding to form 1 new dwelling with new access.

- 6.1 The main issues were whether the location would be sustainable and provide access to "everyday" services and facilities; and the effect of the development on the character and appearance of the area. Layer Marney was identified as a small rural settlement where properties are dispersed along country lanes. These roads are narrow without pavements or lighting. Walking and cycling would therefore be "less attractive in poorer weather and after dark".
- 6.2 In dismissing the appeal the Inspector noted that there are few services and facilities within or near to the settlement. A regular bus service between Maldon and Colchester stops at Smythe's Green. However, the stop was 1km away and can only be accessed via the country lanes. Residents would be "largely reliant on the private motor car to access everyday services and facilities" and would be "functionally isolated".
- 6.3 The Inspector noted support from the ward councillor in terms of maintaining the vitality of rural communities and their concerns that planning policies were restricting development in the countryside. However, the Inspector's conclusion was that there is little evidence that a single new dwelling would make a difference in terms of supporting rural communities and local services/facilities. Furthermore, the Inspector highlighted that this scenario would apply to numerous small sites in rural areas, and so it does not amount to a special circumstance. It was unsustainable development.
- 6.4 In judging the impact on character and appearance, it was mentioned that the site was within the grounds of the Grade II listed "White Lodge", a building which enjoys a green and rural setting that contributes positively to its significance. The outbuilding that would be converted to residential use is evidently a modern structure with a conventional barn-like appearance. As a consequence, when viewed from outside the site the development would not look out of keeping with the rural character and appearance of the area. The retention of much of the tree line meant that the development would not detract from the setting of the listed building or harm its significance. However, given the objection in principle this was still not acceptable overall.

7.0 “Appeal 7” Details

Site Address: Hallfields Farm, Manningtree Road, Dedham, Essex CO7 6AE

Outcome: Dismissed

Inspector: Graham Chamberlain BA (Hons) MSc MRTPI

Appeal Ref: APP/A1530/W/17/3176230

Application No: 162537 (refused 5 December 2016)

Proposal: The demolition of a redundant agricultural building and replacement with a single two bedroom affordable dwelling.

- 7.1 The main issues in this appeal included whether the appeal site would be an appropriate location for rural housing; the effect on the character and appearance of the area with particular reference to trees and public amenity space; and whether the proposal would provide adequate living conditions, with particular reference to private amenity space, vehicle turning facilities and secure cycle, bin and recycling storage.
- 7.2 As an exception site, the justification for rural housing was that it would be affordable and would be managed by Chelmer Housing Partnership, which is a registered provider. Policy H4 of the Core Strategy permits affordable housing on sites within the countryside that are contiguous with the village settlement boundary and provided a local need is demonstrated by the Town/Parish Council on behalf of their residents (and this is based on evidence gained from an approved local housing needs survey). Herein, a local need was not demonstrated by the Parish Council and there was no evidence from an approved local housing needs survey. In fact, the Parish Council objected to the scheme because they considered the local need quantified in the most recent local housing needs survey had already been met by a previously approved Hallfields Farm development to the immediate east of the appeal site.
- 7.3 The appellant attempted to demonstrate a local need by referring to other sources. In particular the Housing Register as of 2017, the Objectively Assessed Housing Needs Study 2016 and the Strategic Housing Market Assessment 2015 (SHMA). Whilst they are more up to date than the local housing needs survey referred to by the Council and Parish Council, they articulate the general requirements in the Borough rather than the specific local needs of the village/parish. A general need in the Borough was a different matter to a local need in this specific village and while 30 households on the housing register expressed a preference to live in Dedham this, in itself, is not an indication of local housing need in the parish. Moreover, there was nothing to assure the 30 households referred to would meet any criteria that may be required to occupy an affordable dwelling approved as a rural exception, such as a local connection.
- 7.4 In any event, the appeal was not supported by a planning obligation that would secure the proposed dwelling as an affordable home. Instead, the appellant suggested that a planning condition could be imposed, but this was not the appropriate mechanism to do so. As such, the Inspector treated the proposal as a dwelling in the countryside for which special circumstances have not been demonstrated.
- 7.5 Turning to the effect on character and appearance, there are two ash trees which the arboricultural assessment said were in good condition with reasonable longevity. These trees provide a pleasing backdrop to the open space next to the appeal site, they add maturity to the Hallfields Farm development and act as a buffer with the residential properties and conservation area to the west. The Inspector therefore agreed that it was advantageous that they are retained, and noted that the trees are currently protected as part of the previous planning permission's conditions. It was likely the new dwelling would be in the root protection area of the trees. As such the positive contribution the trees

currently make to the amenity of the area could be at risk if the appeal scheme was allowed, which weighed against the proposal.

- 7.6 The Inspector also concurred that the appeal scheme would result in a reduction in the public open space approved as part of the wider development of Hallfields Farm. The appellant suggested that the loss would amount to 1% of the open space already established within the development but, importantly, the overall quantum of open space would still represent 10.7% of the overall development site. The Inspector noted this, but answered that 10% was a minimum threshold and therefore it is reasonable to conclude that there will be some circumstances where a greater quantum of open space would be necessary. A development positioned on the edge of a village where a more verdant character is necessary, such as the Hallfields Farm scheme, was likely to be such a circumstance.
- 7.7 On whether the proposal would provide adequate and safe living conditions for residents who lived there, 50 square metres of private amenity space was required but only 42 square metres was being proposed. This was below the standards required in the policy but not by much, and the garden would be large enough to sit out in with a reasonable degree of privacy. The proposed dwelling was also directly adjacent to a public open space which, although not private, would provide additional outdoor amenity. As such, the smaller garden as considered to be acceptable in the circumstances.
- 7.8 As details of secure bicycle, bin and recycling storage were not submitted the Inspector was not satisfied these could be provided in the rear garden of the appeal property without harmfully diminishing the space available (and its quality). However, as the land was owned by the same owners as the wider site, and managed by the same housing association, it was considered that extra provision off site would be possible by a negatively worded condition and this would be a reasonable solution. They also did not share concerns that there were any highway safety issues from inadequate turning and parking, as in practice the site would share and utilise some of the wider sites facilities if needed.

8.0. "Appeal 8" Details

Site Address: Heathfield House, West End Road, Tiptree CO5 0QH

Outcome: Allowed (with costs awarded against the Council)

Inspector: K R Saward (Solicitor)

Appeal Ref: APP/A1530/X/17/3177321

Application No: 170191 (refused 13 April 2017)

Proposals: Lawful use/development certificate for the siting of a caravan for ancillary use.

- 8.1 The appeal involves the consideration of relevant planning law. The main issue was whether the Council's decision to refuse to grant a LDC (lawful development certificate) was well-founded. The appellant sought a LDC to site a caravan within the garden of her home at Heathfield House for "ancillary use". The appellant makes clear that what is meant by this is that she wishes to use the caravan as additional living accommodation associated with the main house rather than use as a separate self-contained unit.
- 8.2 It was undisputed that provided the proposed park home style caravan remains a moveable structure that meets the definition of a "caravan" within the Caravan Sites and Control of Development Act 1960 as amended by the Caravan Sites Act 1968, then it would not constitute a building. Nor is it contested that the proposed siting of the caravan as shown in the submitted site plan would be within the residential curtilage of Heathfield House. The Inspector claims that instead, the Council proceeded to determine the application with reference to section 55(2)(d) of the 1990 Act. This provides that the use of any buildings or other land within the curtilage of a dwellinghouse for any purpose

incidental to the enjoyment of the dwellinghouse as such shall not be taken to involve development of the land. In following this approach, the Council analysed the meaning of the word “incidental” from various sources including with reference to an ordinary dictionary definition, online commentary and case law. Specific mention was made of the case of *Emin v SSE1* where the Court considered the meaning of “incidental” in the context of permitted development rights for the provision within the curtilage of a dwellinghouse of any building required for a purpose incidental to the enjoyment of the dwellinghouse as such. Similar provision is now contained within Class E of Part 1 of Schedule 2 of the Town and Country Planning (General Permitted Development)(England) Order 2015.

- 8.3 However, the Inspector found this logic to be flawed in that the proposal in this instance was not for the provision of a building, but the use of land for the siting of a caravan. Class E therefore did not apply and so references to it and the judgment in *Emin* did not assist in establishing whether residential use of the caravan would be lawful. Moreover, a distinction is to be drawn between an incidental use and uses which are part and parcel of an existing lawful use.
- 8.4 The Inspector distinguished that the issue requiring consideration was not whether there would be an incidental use as focussed on by the Council. Rather, the crux of the matter is whether or not the proposal would involve a material change of use of land and thus amount to “development” within the meaning of section 55(1) of the Act. They found that just because the proposed use goes beyond what would ordinarily be regarded as an ‘incidental use’ does not mean there is a material change of use. If there is no material change of use of the land then there can be no development requiring planning permission.
- 8.5 They cited a case of “*Uttlesford DC v SSE & White*” where the judge considered that, even if the accommodation provided facilities for independent day-to-day living it would not necessarily become a separate planning unit from the main dwelling; it would be a matter of fact and degree. In that case the accommodation gave the occupant the facilities of a self-contained unit although it was intended to function as an annexe only with the occupant sharing her living activity in company with the family in the main dwelling. There was no reason in law why such accommodation should consequently become a separate planning unit from the main dwelling. A fact and degree judgment has to be made on the specific circumstances of the case.
- 8.6 Typically, a caravan will be equipped with all the facilities required for independent day-to-day living. It does not follow automatically that once occupied there must be a material change of use simply because primary living accommodation is involved. Much depends on how the caravan would actually be used, and as the proposal was for a caravan to be occupied by the appellant’s elderly mother (who has health issues) needing care and assistance there would be no separate unit of occupation. Accordingly, they concluded that the proposal would not have required separate planning permission and was lawful. Costs were awarded on this basis.

9.0. “Appeal 9” Details

Site Address: 15 Church Road, Fordham, Colchester, Essex CO6 3NA

Outcome: Dismissed

Inspector: J A B Gresty MA MRICS

Appeal Ref: APP/A1530/D/17/3180242

Application No: 170791 (refused 25 April 2017)

Proposals: A loft conversion and two-storey extension.

- 9.1 The main issue in this case is the effect of the proposed development on the character and appearance of the area. The appeal property is the middle of three modestly sized bungalows situated in a row on the east side of Church Road. The bungalows are the last three dwellings on this side of the road before leaving the built area of this part of the village and there is farmland to the rear and south of the properties. Whilst the appeal property's plot is not large, the space on each side of the bungalow and the dwelling's single-storey design contribute towards the property having a spacious character and appearance which is in keeping with the neighbouring properties and its location next to farmland.
- 9.2 The proposal for the extension and alteration of the bungalow would form a substantial two-storey dwelling with a significantly larger footprint than the bungalow. The extended dwelling would have large, tall, steeply pitched roofs with a prominent front facing gable to one side and a hipped roof to the other. The large expanse of roof would be visible from the road and dominate the appearance of the extended dwelling. This would be unlike any other dwelling nearby.
- 9.3 The extended dwelling would be considerably larger than either of the neighbouring bungalows and it would dominate the appearance of the two bungalows when viewed from the road and countryside behind. Also, due to its height and bulk, the extended dwelling would appear out of scale with its own plot, emphasising the size of the extended dwelling in relation to its immediate neighbours and other two-storey houses in the locality. The Inspector agreed that this would stand out in the local landscape as an unduly large, prominent and incongruous feature which would detract from the character and appearance of this part of the village and the adjoining countryside.