
Appeal Decisions

Site visit made on 8 August 2016

by C Sherratt DipURP MRTPI

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

Decision date: 24 October 2016

The land and buildings at The Old Post Office, Ingestre, Stafford ST18 0RE

Appeal A - APP/Y3425/C/16/3146609

- The appeal is made under section 174 of the Town and Country Planning Act 1990 as amended by the Planning and Compensation Act 1991.
 - The appeal is made by Alan White against an enforcement notice issued by Stafford Borough Council.
 - The enforcement notice was issued on 4 January 2016.
 - The breach of planning control as alleged in the notice is without planning permission, the erection of a Summer House, in the approximate position marked with a cross on the attached plan.
 - The requirements of the notice are to:
 - (i) Remove the summer house;
 - (ii) Remove from the land all building materials and rubble arising from compliance with the first requirement above, and restore the land to its condition before the breach took place by levelling the ground and reseeding it with grass.
 - The period for compliance with the requirements is three months.
 - The appeal is proceeding on the grounds set out in section 174(2) (a) of the Town and Country Planning Act 1990 as amended.
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Appeal B - APP/Y3425/W/16/3143906

- 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 Alan Thomas White against the decision of Stafford Borough Council.
 - The application Ref 15/23055/HOU, dated 30 September 2015, was refused by notice dated 3 June 2015.
 - The development proposed is described as "Proposed Summer House – Application no: 14/21378/HOU which was refused permission. Proposal has been revised following discussions with Stafford Borough Planning Officers to include changes as suggested."
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This decision is issued in accordance with Section 56 (2) of the Planning and Compulsory Purchase Act 2004 as amended and supersedes that issued on 8 September 2016

Decisions

Appeal A - APP/Y3425/C/16/3146609

1. The appeal is dismissed and the enforcement notice is upheld. Planning permission is refused on the application deemed to have been made under section 177(5) of the 1990 Act as amended.

Appeal B - APP/Y3425/W/16/3143906

2. The appeal is allowed and planning permission is granted for proposed Summer House at The Old Post Office, Ingestre, Stafford ST18 0RE in accordance with the terms of the application, Ref 15/230555/HOU, dated 30 September 2015, and the plans submitted with it, subject to the conditions set out in the attached schedule.

Main Issue

3. The main issue is the effect of the developments on the character and appearance of the Ingestre Conservation Area.

Reasons

4. The enforcement notice is directed at a timber summerhouse some 5.5m x 4.0m x 3.4m high. The summerhouse occupies a prominent corner location forward of the property within the narrowest section of the plot, extending to almost its full width. It has a green felt pitched roof and gable feature to the front elevation. The gable feature, double doors and windows result in a rather frilly and over-elaborate appearance. It is of a size, design and materials out of keeping with the traditional vernacular of the conservation area and has little regard to the car port that is in close proximity to it. Other ancillary domestic buildings in the conservation area are generally of brick and tile construction.
5. I saw that the existing hedge around the perimeter of the site had been allowed to grow to a height where the building was almost entirely screened from view such that its impact was neutral. However, it would not be appropriate to rely on a hedge to screen an otherwise harmful building. Whilst I am satisfied that a condition could be imposed requiring the hedge to be maintained at a minimum height, the density and quality of the hedge could nevertheless deteriorate overtime, exposing the building to view. Overall I consider the existing building would detract from the qualities of the conservation area, contrary to Policy N9 of The Plan for Stafford Borough and the National Planning Policy Framework (NPPF).
6. I have carefully considered whether the revisions proposed would overcome my concerns. The reduction in overall height of the roof and removal of the gable roof feature together with the use of a grey tiled roof finish would be far more sympathetic to the traditional materials of the area. The treatment of the timber with a moss green / conifer colour rather than light green and dark finish to the doors and windows would help to ensure the building remains unobtrusive to the rear of the hedge even if its effectiveness diminishes over time. The removal of two windows in the side (north) elevation is essential to ensure the privacy of the neighbouring property. These are matters that can reasonably be controlled by condition.
7. I am mindful that the building remains in a prominent location forward of properties. However I consider that the revisions contained in the planning application proposal are sufficient to ensure that, subject to the retention of the hedge, the proposal would sustain the significance of the conservation area and thus accord with local Policy N9 and the NPPF.

Conclusions

8. As I find the existing development that is the subject of the notice unacceptable, I conclude that Appeal A should not succeed. I shall uphold the enforcement notice and refuse to grant planning permission on the deemed application.
9. For the reasons given above I conclude that Appeal B should be allowed. By virtue of s180 of the Act, the planning permission will override the notice in so far as it is inconsistent with the permission. This means that within the three month period specified for compliance with the notice the appellant may either comply with the requirements of the notice and remove the summer house altogether or make the necessary alterations to accord with the planning permission so that s180 comes into effect. I am also mindful that even if the summer house were demolished, the planning permission granted by virtue of Appeal B would remain and could still be implemented. Accordingly, I consider a time limit condition would be necessary.

Claire Sherratt

INSPECTOR

Appeal B - APP/Y3425/W/16/3143906

Schedule of 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 following approved plans:
O.S. based Site Plan reference SJ9824;
Location Plan Drawing. No. 3 OF 3 dated Sept 2015;
Existing Block Plan Drawing. No. 1 OF 5 dated Sept 2015;
Proposed Block Plan Drawing. No. 2 OF 5 dated Sept 2015;
Proposed Elevations Drawing. No. 5 OF 5 dated Nov 2013;
- 3) Notwithstanding any details / description in the approved plans, the existing hedge to the immediate east and south of the summer house along the roadside boundaries shall be retained and maintained at a height of between 2.5m and 3m.
- 4) The external surfaces of the development hereby permitted shall be constructed in the materials and colours shown on plan: Proposed Elevations Drawing. No. 5 OF 5 dated Nov 2013.