

# Appeal Decision

Site visit made on 23 November 2016

**by G Powys Jones MSc FRTPI**

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

**Decision date: 07 December 2016**

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**Appeal Ref: APP/E3715/D/16/3160564**

**The Bridles, Homestead, Coventry Road, Dunchurch, Rugby, Warwickshire, CV22 6RB**

- 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 Clive Davies against the decision of Rugby Borough Council.
  - The application Ref R16/1513, dated 17 July 2016, was refused by notice dated 6 September 2016.
  - The development proposed is the construction of a single storey UPVC conservatory.
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## Decision

1. The appeal is allowed and planning permission is granted for the construction of a single storey UPVC conservatory at The Bridles, Homestead, Coventry Road, Dunchurch, Rugby, Warwickshire, CV22 6RB in accordance with the terms of the application Ref R16/1513, dated 17 July 2016, subject to the conditions set out in the attached Schedule.

## Main issues

2. The main issue is the effect of the proposal on the character and appearance of the host property and its surroundings.

## Reasons

3. The appeal property is one of several former barns and agricultural buildings tastefully converted into dwellings. The group of buildings are set apart from the settlement, surrounded by fields, and are reached along a lengthy drive.
  4. The appellant proposes the erection of a conservatory affixed to the eastern elevation. This would be modestly sized, in a lean-to form and wholly glazed apart from its southern wall adjacent to the neighbouring property. The frame would be made of '*timber effect*' UPVC.
  5. Planning permission was granted in June 2011 to extend in virtually the same spot, albeit that the design and materials of construction were different. Although that permission has lapsed through the passage of time, it is material to my considerations as part of the recent planning history of the property not least since it strongly indicates that the Council is not opposed to the principle of extension, subject to what it considers to be appropriate design and use of materials.
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6. The Council considers that the design of the current proposal and the materials of construction proposed do not reflect or harmonize with the appearance of the existing barn conversion. Officers say:

*'It is considered that the design and materials of construction for the proposed conservatory is inappropriate and doesn't respect the character and appearance of the existing barn conversions which are rural in nature. Furthermore the LPA would not wish to allow a precedent which would open up the opportunity for further planning applications for extensions to the surrounding barn conversions to be sought. Therefore refusal of the planning application is recommended so that the character and appearance of the barns are retained.'*

7. To my mind, however, the use of glazing in extensions of this type can be beneficial since the transparency of glass allows, as it would in this case, the original agricultural structure to be seen and appreciated. The simplicity of the design, in contrast to the ornate form of some conservatories, ensures that the integrity of the host property would not be compromised.
8. Given that the Council permitted the use of 'timber effect' UPVC in the property's replacement external door and window openings in 2014, I consider its opposition to the use of the same material in the conservatory's frame to be rather surprising and misplaced.
9. The extension would be tucked away in a secluded corner and would not be apparent or noticeable in the public realm, or indeed to most of the appellant's neighbours. Indeed, no neighbour signified an objection to the proposal. The extension would have no material impact on the surrounding area.
10. One of the Council's concerns, the fear of precedent, is seldom a good or sufficient reason, in itself, to refuse development proposals, especially in circumstances where I have found the proposal to be acceptable on its merits. Moreover, as the appellant has amply shown in his submitted photographs, and as I saw, not dissimilar structures have been added to neighbouring properties within the group. The Council's concerns in this regard are therefore considered somewhat exaggerated.
11. I conclude that the proposed development would sit acceptably in its visual and spatial contexts without harming the integrity of the host property or the surrounding area. Accordingly, no conflict arises with those requirements of policy CS16 of the Rugby Core Strategy providing that development will only be allowed where proposals are of a scale, density and design that would not cause any material harm to the qualities, character and amenity of the areas in which they are situated.

### **Conditions**

12. The Council's suggested condition relating to materials shall be imposed, in the interests of visual amenity, albeit in a modified form.
13. It is also necessary in the interests of certainty that the development is built in accordance with the approved plans, and a condition to this effect is imposed.

### **Other matters**

14. Reference has been made to other development plan policies, but that to which I have referred is considered the most relevant, taking account of the Council's sole reason for refusal.

15. The references made to the *National Planning Policy Framework* and the Council's Supplementary Planning Documents on residential extensions and sustainable design construction have been taken into consideration.
16. All other matters raised in the representations have also been taken into account, including the views of the Parish Council, who offered no objection. No other matter is of such strength or significance as to outweigh the considerations that led me to my conclusions.

*G Powys Jones*

INSPECTOR

### **Schedule of Conditions**

1. The development hereby permitted shall begin not later than three years from the date of this decision.
2. The brickwork and UPVC to be used in the construction of the external surfaces of the development hereby permitted shall match that used in the existing building.
3. The development hereby permitted shall be carried out in accordance with the following approved plans: The location plan and Drawings No 1 Page 1 & No 2 Page 2.