

Appeal Decision

Site visit made on 22 December 2016

by Gary Deane BSc (Hons) DipTP MRTPI

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

Decision date: Wednesday 1 February 2017

Appeal Ref: APP/Y3425/D/16/3159979

Lime Tree Cottage, Moddershall, Stone, Staffordshire ST15 8TG

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission under section 73A of the Town and Country Planning Act 1990 for the development of land carried out without complying with conditions subject to which a previous planning permission was granted.
 - The appeal is made by Mr William Collins against the decision of Stafford Borough Council.
 - The application Ref 16/23843/HOU was refused by notice dated 12 July 2016.
 - The application sought planning permission to permit the insertion of No 2 windows to the east elevation, including a secondary means of escape from the first floor, and to permit a window to the south facing gable in place of block work, and to permit installation of a garage door to the carport to provide basic weather proofing and security without complying with a condition attached to planning permission Ref 14/20257/HOU dated 2 June 2014.
 - The condition in dispute is No 2, which states: The approved plans: drawing 2564-C-001 Rev-A, drawing 2564-C-003 Rev-B, drawing 2564-C-004 Rev-A, drawing 2564-C-005 Rev-A.
 - The reason given for the condition is: To define the permission.
-

Decision

1. The appeal is dismissed.

Background and preliminary matters

2. Planning permission has been granted for a double carport that stands alongside Lime Tree Cottage, which is a detached dwelling in the countryside. The appellant seeks to vary the approved scheme to install a garage door and a first floor window in the front elevation of the carport, which is hereafter referred to as the building. The amendments sought also include the installation of French doors at first floor level and a window at the ground floor level in the side elevation together with an external flue to a log burner. The side windows, garage door and an opening for the first floor window are in place and these appear to be broadly in accordance with the plans.
 3. The evidence indicates that the disputed condition had been breached before the appeal application was submitted to the Council. Accordingly, I shall treat it as a submission made under section 73A of the Act for a minor material amendment. This type of proposal is possible because condition No 2 imposed on the original planning permission specifies the approved plans. The appeal seeks to remove this condition and to replace it with a new condition that identifies the plans that show the revised design of the building.
-

Main issue

4. The site falls within the Green Belt. The Council raises no objection in relation to the effect of the amendments sought on the Green Belt. On the evidence before me, I see no reason to reach a different conclusion on this particular matter. Therefore, I consider that the main issue is the effect of the revised design on the character and appearance of the building and the local area.

Reasons

5. Without the amendments sought, the general appearance of the approved building as a carport would be unmistakable given its traditional built form and style and its largely open ground floor frontage. Equally, its main function to store vehicles associated with Lime Tree Cottage would be in little doubt given the close physical and visual relationship between these detached buildings, both of which would stand comfortably side-by-side in the rural landscape.
6. At one side of the building, full length glazed doors have been installed at first floor level with a window below together with a first floor opening at the front, which is set into the apex of the gable. In each case, the opening has replaced solid wall and thus added some visual interest to the façade. However, the size and style of each of these windows is domestic in nature. In combination, these windows give the building a residential character. The overall visual effect is to cause the building to relate awkwardly to the main house because its appearance and function to primarily store vehicles is less visually obvious even with a new garage door in place. That an external flue to serve a log burner would also be introduced, projecting noticeably above the ridgeline of the building would add to that unease. As the building would more closely resemble an uncharacteristically small residential building with these amendments in place, it would stand uncomfortably next to the main house and within the rural landscape. The main outcome would be significant harm to the character and appearance of the building and the local area.
7. Public views of the building are from some distance and partially screened by vegetation. None of the side windows are visible from public vantage points with only the front of the building evident from the road. Consequently, there would be no discernable effect on the setting of the nearby Moddershall Valley Conservation Area, the character and appearance of which would be preserved. Nevertheless, all of the amendments would be visible to future occupiers and visitors from within the site. Omission of the front first floor window and external flue from the appeal scheme, as suggested by the appellant, would not overcome my concerns, as the side windows would remain in place.
8. The appellant has indicated that outbuildings including detached garages and workshops with windows, doors and external flues are not uncommon in the local area and has referred to several examples with some photographs also provided. According to the appellant, several of these schemes were completed around the same time or after the building and some, in his view, contravene the Council's planning policies.
9. Having looked around the area that surrounds Lime Tree Cottage, I agree that there are several properties with projections from the main house and

outbuildings that include some domestic features when seen from the road such as windows, dormers and roof lights. These properties form part of the area's character. However, to reiterate it is the precise relationship of the windows and external flue to the building and the adjacent house that are objectionable and these particular circumstances are not replicated in the schemes that have been drawn to my attention and those that I saw. For this reason, and due to the limited formation provided, I am unable to conclude that the Council's decision to refuse permission in this case was inconsistent with other developments, as the appellant suggests. Furthermore, a central principle of the planning system is that each proposal should be considered on its own merits, which I have done in this instance.

10. The appellant states that a garage previously occupied the site with windows that were similar in size to those in question. However, few details of this earlier building have been provided and it is not now in place. Consequently, I attach limited weight to this consideration in support of the appeal.
11. On the first main issue, I therefore conclude that the windows and external flue would materially harm the character and appearance of the building and the local area. Accordingly, I find a conflict with Policies N1 and N8 of The Plan for Stafford Borough 2011–2031 (TPfSB). These policies aim to ensure that development includes high design standards that take into account local context and character and are sympathetic to landscape character and quality.

Other matters

12. The windows in question would allow more natural light into the building than a solid wall that in turn would reduce energy consumption because the need to use artificial lighting and heating would diminish. This approach dovetails with other energy efficient measures employed at this location that include the use of ground source heating, photovoltaic panels, solar hot water and sustainable materials. All these measures lend support to the credentials of the building as a sustainable form of development, which has the support of policies in the TPfSB and the National Planning Policy Framework (the Framework) in seeking to meet the challenges of climate change. Furthermore, the building is used to store electric vehicles, the use of which also benefits the environment especially in rural areas where there is a dependency on the car for travel because public transport options are often limited.
13. Without the changes sought to the building, the appellant states that its use to store items for community events such as a large gazebo would not be possible and that several other outbuildings would therefore be required. I acknowledge that the new French doors provide a secondary means of escape and that the ground floor side window allows natural light into the building and so it reduces a trip hazard from trailing cables that may otherwise occur. If the windows in question were to be removed the appellant has also indicated that these items would be landfilled. Others have complimented the design of the building itself and no objections to the amendments have been received from interested parties. I also note the laudable attempts made by the appellant to secure a mutually acceptable solution with the Council. However, none of these 'other matters' that are set out above outweigh the harm that I have identified.

14. The Council appears to raise no objection to the garage door. If the door were the same or very similar to that which has been installed then (without the window above) the building would appear as a typical outbuilding primarily used to store vehicles. There would be no harm to the character and appearance of the host building or the local area or conflict with the policies cited above. By enclosing the space within the building, the garage door would also improve safety and security and would allow the electric vehicles to be recharged within an enclosed space. However, from my inspection of the plans I am not convinced that the garage door is clearly severable from the rest of the appeal scheme, which is objectionable, and so I am unable to issue a split decision that grants planning permission solely for it.

Conclusion

15. While the amendments sought have some merit, the adverse effects of the windows and external flue on the character and appearance of the building and the local area are decisive. That the appeal deals with a minor material amendment does not preclude judging the changes sought as unacceptable against this main issue.

16. For the reasons set out above, I conclude that the appeal should be dismissed.

Gary Deane

INSPECTOR