The Planning Inspectorate

Appeal Decision

Site visit made on 11 July 2017

by David Walker MA MRTPI

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

Decision date: 17th August 2017

Appeal Ref: APP/U1105/W/17/3173533
Shepherds Rest, Shepherds Farm, Oil Mill Lane, Clyst St Mary, Exeter EX5 1AG

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a grant of planning permission subject to conditions.
- The appeal is made by Mr Charles Murray against the decision of East Devon District Council.
- The application Ref 16/2651/FUL, dated 5 November 2016, was approved on 18 January 2017 and planning permission was granted subject to conditions.
- The development permitted is installation of solar panels on existing side extension.
- The condition in dispute is No 3 which states that: *"Within three years of the date of this decision, the solar panels hereby approved shall be installed in accordance with the approved plans listed on this notice. Should the solar panels not be installed within this time period, or should they be removed at any time, the slates granted under planning approval 15/0740/FUL shall be installed in accordance with the plans approved by that notice and retained in perpetuity".*
- The reason given for the condition is: *"In the interests of neighbour amenity, and to accord with Policy D1 (Design and Local Distinctiveness) of the East Devon Local Plan 2013 - 2031, as well as guidance contained within the National Planning Policy Framework"*.

Decision

1. The appeal is allowed and the planning permission Ref 16/2651/FUL for installation of solar panels on existing side extension at Shepherds Rest, Shepherds Farm, Oil Mill Lane, Clyst St Mary, Exeter EX5 1AG granted on 18 January 2017 by East Devon District Council, is varied by deleting condition No 3.

Preliminary Matter

2. I have used the description provided in the Council's decision notice in the interests of consistency and as the appeal is allowed and needs to be read alongside the original permission.

Main Issue

3. I consider the main issue to be whether condition No 3 attached to planning permission Ref 16/2651/FUL (the original permission) is necessary having regard to the character and appearance of the property.

Reasons

4. The original permission allowed a plastic membrane roof covering for an extension, with solar panels atop, in lieu of artificial slates previously specified.

In the event that the solar panels are not installed the disputed condition requires the finishing of the roof with the artificial slates. The membrane has been in situ for some time and is weathered to the point that it takes on a similar tone to that of the existing roof of the host dwelling, albeit at a different texture and finish.

5. The extension is not widely visible, being only clearly seen from the front garden of the neighbouring property. From my site inspection it was apparent that this garden is used for sitting out and has a high degree of amenity value for the occupants.

6. The retention of the plastic membrane instead of the artificial slates required by the condition would evidently alter the appearance of the permitted extension. There are wide reaching views available from the neighbouring garden, however. Combined with the effect of the small extension being subsumed within the larger scale and domestic character of the appeal property, the visual impact of the change in materials would not be significantly harmful.

7. I have also had regard to the setting of the nearby grade II listed building Old Kiddicott. The proposed roof covering would scarcely be seen in relation to this heritage asset. With the degree of separation involved and intervening domestic structures the change of roof covering would have only a neutral effect. I am satisfied that the setting of the listed building would be preserved.

8. Overall, there would be no conflict with the aims of Policy D1 of the East Devon Local Plan 2016 that seeks to ensure that the key characteristics and special qualities of the area and the amenity of occupiers of adjoining residential properties would be preserved, amongst other considerations.

9. I conclude that the roof finishes to be installed under the disputed condition would not be required to secure a satisfactory character and appearance of development. As condition No 3 is unnecessary and does not meet the requirements of paragraph 206 of the National Planning Policy Framework the original permission should be varied by its removal.

Conclusion

10. For the reasons given above I conclude that the appeal should be allowed.

David Walker

INSPECTOR