



Appeal Decision

Site visit made on 1 November 2017

by John Morrison BA (Hons) MSc MRTPI

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

Decision date: 20th December 2017

Appeal Ref: APP/F2605/W/17/3179784

Plot 4, Highview, Sporle PE32 2EA

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission under section 73 of the Town and Country Planning Act 1990 for the development of land without complying with conditions subject to which a previous planning permission was granted.
 - The appeal is made by Mrs Kath Richardson against the decision of Breckland District Council.
 - The application Ref 3PL/2017/0502/VAR, dated 13 April 2017, was refused by notice dated 13 June 2017.
 - The application sought planning permission for 'amended design – single storey dwelling with integral garage' without complying with a condition attached to planning permission Ref 3PL/2015/0521/F, dated 16 September 2015.
 - The condition in dispute is No 3 which states that *the roof of the dwelling hereby approved shall be clad with natural slate tiles and the walls with the material specific on the planning application form.*
 - The reason given for the condition is *to enable the local planning authority to ensure the satisfactory appearance of the development as required by Policies DC 1 and DC 16 of the Adopted Core Strategy and Development Control Policies Development Plan Document 2009.*
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Decision

1. The appeal is allowed and planning permission is granted for amended design – single storey dwelling with integral garage at Plot 4, Highview, Sporle PE32 2EA in accordance with the application Ref 3PL/2017/0502/VAR dated 13 April 2017, without compliance with condition number 3 previously imposed on planning permission Ref 3PL/2015/0521/F dated 16 September 2015 and subject to the following conditions:
 - 1) The development hereby permitted shall be carried out in accordance with the following approved plans: 1:2500 A4 Location Plan entitled "Plot 4 High View, The Street, Sporle", 1:200 A4 Block Plan entitled "Plot 4 High View The Street Sporle" and drawing references 3/04/15 and 1242/2.
 - 2) Notwithstanding the details shown on the plans hereby approved, the roof of the dwelling hereby permitted shall be in Eco Slate as set out in the submitted ECO Systems Distribution Ltd Merchant Sales sheet entitled "Eco Slate At a Glance Guide" and the BBA Approval Inspection Testing Certificate reference 11/4833, product sheet 1.

Main Issue

2. The main issue is whether the condition is reasonable and necessary in the interests of a high quality and contextually appropriate external appearance to the development.

Reasons

3. The dwelling with which this appeal is concerned is described as being of eco construction. In essence it is of an unconventional design, constructed of structurally insulated timber panels. The roof is of similar construction. It is single storey and in an L shape configuration which results in an asymmetric roof. The wider development comprises two storey dwellings of a more traditional design and use of materials such as a conventional brick exterior and a tiled roof. Other features include external chimney stacks and porched entrance ways which add to a rural, slightly agrarian character (farmhouse like). The dwellings are arranged around a former farm yard.
4. The appeal dwelling was granted its own planning permission. A revised design for what was plot number 4 of the original development. The dwelling is unique in the above context and contrasts quite starkly with the remainder of the development owing to its design, use of materials, plan form and external detailing.
5. For reasons of design continuity, the appearance of the development as a whole and overall quality I can accept that the use of natural slates for roofs would be a logical choice. I do note however that not all of the other dwellings have slate roofs but also curved profile clay pan tiles of more than one colour.
6. This fact does go some way to persuading me that the use of a different roofing material would not be overly harmful. The crux of the matter for me however is that through the granting of planning permission for a unique and obviously contrasting dwelling in the first instance, the Council have considered that it would be acceptable in the wider context. The exterior finish and form of the dwelling is as about dramatic a departure from the theme of the reminder of the development as one could be. With this in mind, I do not feel that restricting the roof covering to natural slate would, in the grand scheme, achieve a great deal.
7. Put simply, the dwelling will exist as an example of its type and in an area of other dwellings with which it shares little by way of common features. There seems no logical reason therefore that it should be prevented from putting to use a modern, purposely manufactured product to cover its roof. The eco slate that is proposed is discernible from its natural counterpart on close inspection but it is nonetheless a tested and certified product and its modern appearance would complement the building on which it would be laid.
8. A condition specifying the external materials of the dwelling achieves a defined and necessary planning purpose which is both reasonable and necessary in the interests of certainty and quality. What is not reasonable and necessary however, in this case and having regard to my findings, is for such a condition to restrict said materials (where the roof is concerned) to natural slate.

Other Matters

9. Whilst there have been expressions of support for the use of the eco tile from local residents, there have been some objections. I have responded to concerns over the appearance and suitability of the proposed material in my findings above and as such will not be revisiting the matter here.
10. Notwithstanding this, and from what I have read and understand of the proposed material, it can be moulded and so laid to legislate for corners and fit irregular spaces and shapes. It appears to have been rigorously tested and there is no compelling evidence before me to either dispute this or indeed persuade me to conclude that it would have a more limited useful life than its natural counterpart.

Conditions

11. I have had regard to the conditions suggested by the Council. I have imposed the following for the reasons set out and made some changes to exact wording in the interests of clarity and enforceability.
12. I have not attached the usual time condition since development has commenced in respect of the approved dwelling and indeed from what I observed on site it appears to be at an advanced stage. For certainty however I have specified the plans to which the planning permission relates. I have sought the views of both the appellant and the Council on this matter.
13. A revised version of original condition 3 has been imposed and specifies that the roof shall be clad in eco slate as per the details that were submitted with the planning application. These are specifically the BBA approval inspection testing certification certificate 11/4833 and the ECO Systems Distribution Ltd Merchant Sales sheet entitled "Eco Slate At a Glance Guide". This is to clarify the material which would cover the roof for the purposes of certainty. It would be sufficient to word such a condition as being compliance based.
14. I have not been advised as to any specific circumstances that would justify the removal of rights under permitted development for deemed alterations to the dwelling in the future. As such I have not included suggested condition 4.
15. I do not understand the relevance of suggested condition 5 and since both the planning permission to which this appealed decision relates was standalone (as indeed is this one) the condition appears to have little direct relevance here. I have therefore not imposed it.
16. Suggested condition 6 appears to require the roads and footways to be constructed to binder course level surfacing from the dwelling to the adjoining county road in accordance with details to be agreed. I agree that this would be necessary for the functioning of the development but equally I note that the road leading from the entrance to the appeal site is already hard bound surfaced. Moreover I have not been advised as to the extent of publicly maintained highway. For these reasons, I do not consider that it would be necessary to impose it.
17. Also in terms of the appropriate functioning of the proposed development, I note the importance of ensuring that off street car parking is properly laid out prior to occupation. Nevertheless, The approved plans show an integral garage

to the scheme which appears to be adequate for this purpose. There does not therefore seem a need for suggested condition 7.

18. In respect of suggested condition 8, this refers to detail that was secured under a different planning permission; consequently there is sufficient provision elsewhere to ensure it is carried out. Moreover, I have no detail before me to suggest why it is necessary to restrict the occupation of plot 4 prior to the completion of the works identified.

Conclusion

19. It is for the reasons I have set out, whilst having regard to all other matters raised, that the appeal is allowed and planning permission granted, subject to the conditions I have set out above.

John Morrison

INSPECTOR