



Appeal Decision

Site visit made on 23 September 2019

by M Harris BSc (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 16 October 2019

Appeal Ref: APP/P1133/D/19/3235404

41 Cofton Hill, Cockwood, Exeter, Devon EX6 8RB

- 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 Mr Michael Lipscombe against the decision of Teignbridge District Council.
 - The application Ref 19/01169/VAR, dated 10 June 2019, was refused by notice dated 30 July 2019.
 - The application sought planning permission for a first floor side extension and dormer window to west side elevation without complying with a condition attached to planning permission Ref 16/01205/FUL, dated 28 July 2016.
The condition in dispute is No 2 which states that: *the works hereby permitted shall be carried out in accordance with the application form and the following approved plans/documents: Site Location Plan; Drawing Number TDC3 (Floor Plans and North Elevation); Drawing Number TDC4 (South/West/East Elevation)*
 - The notice provided no reasons for the condition.
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Decision

1. The appeal is allowed and planning permission is granted for a first floor side extension and dormer window to west side elevation at 41 Cofton Hill, Cockwood, Exeter, Devon EX6 8RB in accordance with the application Ref 19/01169/VAR made on the 10 June 2019 without complying with condition 2 set out in planning permission Ref 16/01205/FUL granted on 28 July 2016, but subject to the following conditions:
 1. The development hereby permitted shall be carried out in accordance with the following approved plans:
TDC3 RevA; TDC4 RevA
 2. Prior to its installation on the building, a sample of the cladding hereby permitted shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details and retained thereafter as approved.
 3. All other materials to be used in the extension hereby permitted should be in accordance with those listed within the notes box set out on TDC4 as approved under Application Ref 16/01205/FUL.

Application for costs

2. An application for costs was made by Mr Michael Lipscombe against Teignbridge District Council and is the subject of a separate decision.

Procedural Background

3. Planning permission was granted in 2016 for the extension of the existing building at No 41 Cofton Hill, subject to a condition (2) specifying the plans. The approved plans gave details of the materials to be used within a notes box on plan ref TDC4.
4. An application was made to vary condition 2 in two respects: firstly, to change the finish material from cream render to grey weatherboard and secondly, to reduce the size of the previously approved extension, reduce the size of a balcony over that extension together with associated changes to fenestration. Revised plans were submitted showing this change to the size of the scheme but omitted any reference to the materials to be used.
5. The Council refused the application solely on the grounds that the boarding would be unsuitable. I see no reason to disagree with their approach given that the extension would be smaller than that given permission. The appeal before me relates to both elements of the variation for which permission was sought. However, as the evidence makes no further reference to the changes to the size of the scheme, my deliberations have focused solely on the change in materials.

Main Issue

6. The main issue is whether the condition is reasonable and necessary, in order to protect the character of the area, with particular regard to the materials to be used.

Reasons

7. Cofton Hill is a steeply rising road from the centre of the village. The properties located along the road are of varying scale and architectural design set within plots which are equally varied, some directly fronting the road and others set further back, either elevated from or at a lower level than the road. The appearance of each dwelling in respect of the materials used is similarly varied, including brick, timber, thatch, hanging tiles, render in a range of colours together with cladding, again in a range of colours. In some cases, individual dwellings feature a combination of these materials.
8. The application to vary the materials was refused on the basis of a tightly defined section of Cofton Hill and an assessment of the character in that area. Specific reference was made to properties in the immediate vicinity being constructed either entirely of brick or part brick/part render. The change from cream render to grey weather boarding is stated to be out of character with the material palette of the area. As a result, the Council concluded that the building would be incongruous in the street scene and have a detrimental affect the character of the adjoining built environment.
9. As noted, the evidence clearly indicates the variety in the area and, in my view, this indicates that there is no defined building line or street scene nor a single unifying character in respect of architectural style or material palette. Within

this context, the proposed change from render to grey boarding would not introduce a material which is inherently out of keeping. Irrespective of whether it currently features on other properties, the test is whether it would be out of character. In this situation I do not consider that the proposed material is one which could be considered to constitute an incongruous addition to the built environment given the local context. As such, I do not agree that the proposal would negatively impact on the street scene or general character as the character of Cofton Hill is derived from the broad range of dwellings present.

10. The evidence refers to potential impacts on neighbouring properties arising from the change in material. Whilst the material is different to that originally proposed and approved, it is not at odds with the existing palette in the area and therefore the change is not one which can reasonably be considered to have a harmful impact on outlook.
11. In respect of the changes to the size of the scheme, the procedural context has been set out above. The amendment is to elements at the rear which has very limited interaction with the street scene or neighbouring properties. As there is no substantive evidence to suggest that the change would be harmful, nor are the changes in dispute, I find no harm.
12. For the reasons set out above, I conclude that the original condition is neither reasonable nor necessary in order to protect the character of the area, with particular regard to the materials to be used. Whilst this is with specific reference to the use of render, it is reasonable and necessary to secure the materials as now proposed. Therefore, a varied condition is necessary to secure the weatherboarding and to gain the Council's approval of this prior to installation. I have deleted the original condition and substituted it with new condition 2. Furthermore, as the original plans also listed other materials and these are not in dispute, I have secured their continued use through a new condition (3). The undisputed reduction in the size of the proposal shown on the new plans is secured via condition 1.
13. These conditions meet the six tests set out in paragraph 55 of the Framework and the advice in the supporting Planning Practice Guidance. The original permission included the standard time limit for the commencement of development condition however as works have already commenced this is no longer necessary.
14. With regard to the Teignbridge Local Plan 2013-2033 (adopted 6 May 2014), I have found that there would be no conflict with policy in using an alternative material, specifically Policy WE8 in respect of materials complementing the character of the area nor Policy S2 insofar as it seeks to deliver quality development, particularly in respect of materials being appropriate to the area. Finally, there is no conflict with the National Planning Policy Framework (the Framework) in relation to the aim to secure good design.

Conclusion

15. For the reasons, I allow the appeal with new conditions.

M Harris

INSPECTOR