



Appeal Decision

Site visit made on 26 November 2019

by Paul Cooper MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 31 January 2020

Appeal Ref: APP/Y3425/W/19/3236880

Sternen, Meadow Lane, Little Haywood, Stafford ST18 0TT

- 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 Craig McDonald against the decision of Stafford Borough Council.
 - The application Ref 19/29964/HOU, dated 18 January 2019, was approved on 26 June 2019 and planning permission was granted subject to conditions.
 - The development permitted is single storey extension to rear of dwelling and addition of trellis to existing fence increasing the overall height to 2.32m.
 - The condition in dispute is No. 2 which states that: The extension hereby approved shall be rendered to match the existing dwellinghouse in both colour and texture within a period of 6 months of the date of this permission and thereafter retained as such for the life of the development.
 - The reason given for the condition is: To safeguard the amenities of the area (Policy N1e of The Plan for Stafford Borough).
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Decision

1. The appeal is dismissed.

Procedural Matter

2. The description of development was changed by the Local Planning Authority from that set out on the application form. This was agreed by the appellant, and as such, I have used this for the description of development on the banner above.

Background and Main Issue

3. Planning permission had previously been granted for a single storey extension and the addition of a trellis. This was granted in June 2019 following an original approval from September 2018. From the evidence in front of me, it appears that the extension was constructed to a greater size than that approved and the 2019 application was submitted to regularise the extension. The original 2018 approval included a condition that facing materials should be submitted to the Council for approval, whilst the 2019 approval stated that the extension be rendered to match the main dwelling. This is the condition subject to the current appeal. The main issue in this case is whether condition 2 of planning application 19/29964/HOU is reasonable and necessary in the interests of the character and appearance of the area.

Reasons

4. Paragraph 55 of the National Planning Policy Framework (the Framework) states that 'Planning conditions should be kept to a minimum and only imposed where they are necessary, relevant to planning and to the development to be permitted, enforceable, precise and reasonable in all other respects.' The Planning Practice Guidance (PPG) states that the 6 tests must all be satisfied each time a decision to grant planning permission subject to conditions is made.
5. In accordance with the PPG a key question in respect of whether a condition is necessary, is that it must not be imposed unless there is a definite planning reason for it, i.e. it is needed to make the development acceptable in planning terms.
6. On my site visit, and acknowledging that this was a snapshot in time during the winter months, the extension was visible from the street scene of Hawksmore Drive. The use of brick in the construction of the extension allows it to appear strident, when seen against the existing dwelling. I find that the extension is visually jarring with such a variation in the materials of construction and causes harm to the character and appearance of the area, which is generally traditional in methods of construction.
7. I have noted the comments of the appellant, who states that the extension would not be visible through the summer months, but this is reliant upon vegetation screening that is not in the control of the appellant, and therefore its continued benefit for screening purposes cannot be guaranteed. There will be some benefit from the additional screening of the trelliswork, but this would not be sufficient to overcome the harm that I have identified.
8. In addition, I have taken into consideration that the original approval did not seek the extension to be rendered as part of the conditions. However, a condition seeking the approval of facing materials was added, and this would have allowed the appropriate control regarding construction. Control was still evident in the original approval; it was more specific in the application subject to this appeal.
9. For the reasons outlined above, I conclude that the disputed condition is reasonable and necessary from a character and appearance point of view. As a result, the deletion of Condition 2 of planning application 19/29964/HOU would lead to a material conflict with Policy N1 e) of The Plan for Stafford Borough (2014) which requires design and layout to take account of the amenity of adjacent residential areas.

Conclusion

10. For the reasons given above, and taking into account all other matters raised, I conclude that the appeal should be dismissed.

Paul Cooper

INSPECTOR