



Appeal Decision

Site visit made on 24 February 2020

by M Cryan BA(Hons) DipTP MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 27 March 2020

Appeal Ref: APP/P2935/W/19/3241424

Land West of Masons Arms, Stamford Cottages, Stamford NE66 3RX

- 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 Keith McDougall of Al Saints Developments against the decision of Northumberland County Council.
 - The application Ref 19/03043/VARYCO, dated 9 August 2019, was refused by notice dated 21 October 2019.
 - The application sought planning permission for 'Change of use of existing paddock/former caravan site to residential (C3 Use) by erecting 4 no. dwellinghouses (C3 Use)' without complying with a condition attached to planning permission Ref 16/04246/FUL, dated 7 March 2017.
 - The condition in dispute is No 12 which states that: 'Notwithstanding any description of the materials in the application, no development above damp proof course level shall be commenced until precise details, to include samples of the materials to be used in the construction of the external walls and roofs of the buildings have been submitted to, and approved in writing by the Local Planning Authority. All roofing and external facing materials used in the construction of the development shall conform to the materials thereby approved'.
 - The reason given for the condition is: 'To retain control over the external appearance of the development in the interests of amenity and in accordance with the provisions of Policy S16 of the Alnwick Core Strategy'.
-

Decision

1. The appeal is allowed and planning permission is granted for a change of use of existing paddock/former caravan site to residential (C3 Use) by erecting 4 no. dwellinghouses (C3 Use) at Land West of Masons Arms, Stamford Cottages, Stamford NE66 3RX in accordance with the application Ref 19/03043/VARYCO made on the 9 August 2019 without complying with conditions Nos 1, 4, 5, 7, 8, 9, 10, 12 and 13 set out in planning permission Ref 16/04246/FUL granted on 7 March 2017 by Northumberland County Council, but otherwise subject to the following conditions:
 - 1) The development hereby permitted shall not be carried out otherwise than in complete accordance with the approved plans. The approved plans for this development are:
Drawing no 16026-EArch-PL-SI-DR-A-0105-P4 titled site location plan
Drawing no 16026-EArch-PL-XX-DR-A-0123-P4 titled Floor plans and elevations plots number 2 and 4

Drawing no 16026-EArch-PL-XX-DR-A-0124-P1 titled Floor plans and elevations plots 1 and 3
Drawing no 16026-EArch-CN-SI-DR-A-0111-c1 titled site plan – vehicle sweep path analysis
Drawing no 16026--EArch-ST-XX-PL-0011-P5 titled site plan as proposed (roof plan)
Drawing no 16026-EArch-CN-SI-DR-A-0110-C1 titled site plan as proposed
Drawing no MD1019/100 titled external works dated November 2016
Flood Risk Assessment dated November 2016 by Wardell Armstrong
Arboriculture Survey dated November 2016.

- 2) No development shall be carried out other than in accordance with the guidance set out in Pollution Prevention Guidance: Works or Maintenance in or Near Water PPG5, Environment Agency, 2007.
- 3) The biodiversity management plan shall be implemented in accordance with the details approved under 17/01288/DISCON.
- 4) Any permanent and temporary lighting on the site shall be implemented in accordance with the details approved under application 17/01288/DISCON.
- 5)
 - i) All trenches and excavations deeper than 0.30m left open overnight should have a ramp installed at an angle of no more than 45 degrees to allow the escape of entrapped mammals.
 - ii) Gaps shall be created and retained in all boundary fences between dwellings to allow the passage of small mammals such as hedgehog. Gaps shall measure no less than 13cm by 13cm.
- 6) The finished floor levels shall be implemented in accordance with the details approved under application 17/01523/DISCON including the document titled External works, ref MD1019/100.
- 7) The construction method statement shall be implemented in accordance with the details approved under application 17/03711/DISCON.
- 8) The approved refuse storage area shall be formed in accordance with the approved plans thereafter retained for the storage of refuse at all times.
- 9) The dwellings hereby approved shall only be used for C3 use and for no other purpose (including any other purpose in Class C3 of the Schedule of the Town and Country Planning (Use Classes) Order 1987, or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order).
- 10) The materials to be used in the construction of the external walls of the buildings hereby approved shall be implemented in accordance with the details approved under 17/01288/DISCON.
- 11) The car parking area shall be implemented and retained in accordance with the approved plans and shall not be used for any purpose other than the parking of vehicles associated with the development.

Background and Main Issue

2. Planning permission was granted for the erection of four houses on the appeal site by permission Ref 16/04246/FUL (the original permission). The planning

application for the original permission described the roofing material as slate, while the accompanying design and access statement referred to the material as being 'slate-effect concrete tiles'. Condition 12 attached to the original permission required that details and samples of the materials to be used for the roof should be submitted to and approved by the Council.

3. A 'discharge of conditions' application (17/01288/DISCON) indicating that the dwellings were to be constructed with Spanish slate roofing was submitted to the Council and approved. However, the dwellings have subsequently been built with dark grey concrete roofing tiles, and the appellant now wishes to vary condition 12 attached to the original permission so that it no longer includes a reference to the roofing materials.
4. The main issue is therefore the effect that varying the disputed condition would have on the character and appearance of the area.

Reasons

5. The appeal site contains four bungalows built under the original permission. With the adjacent small cluster of pre-existing houses they form a small hamlet a short way north of the village of Rennington. The bungalows are stone built, with grey concrete roof tiles, while the existing buildings are stone built with grey slate roofs. Although the appellant's planning statement indicates that the situation has come about as a result of 'some confusion', in the light of the submitted 'discharge of conditions' application dealing with this matter which specified the use of slate it has not been made clear to me how this has arisen.
6. The appellant has drawn my attention to several bungalows within the village of Rennington where concrete roof tiles have been used. However, these lie some distance to the south of the appeal site, from which they are separated by open fields, and they do not therefore exert a strong influence on the character of the appeal site. In my view the characteristics of the area around the appeal site are principally defined, in terms of the built environment, by the pre-existing stone built, slate roofed dwellings alongside the new bungalows.
7. The dark grey colouring and flat shape of the tiles on the bungalows gives them a similar appearance to natural slate when seen from a distance, although in closer views it is apparent that the tiles are thicker than slates and do not possess the subtle variations in colour found in natural slates. Nevertheless, the bungalows are located in a position where they are largely secluded from the B1340 road by the older dwellings, and although there is a public footpath which passes a short way to the south of the appeal site, from there the bungalows are partly screened by hedgerows. Although the bungalows can be clearly seen from within and around the adjacent houses, they are not prominent in public views.
8. The Council's decision to refuse the planning application was made contrary to the recommendation in the officer report, and other than providing me with suggested conditions the Council chose not to submit an appeal statement. However, interested parties have submitted their views, and I have some sympathy with their comments that the use of natural slates would have been more sympathetic to the appeal site's surroundings. Nonetheless, the roofs as built are of a colour and style which is broadly in

keeping with the character of the local area, and although they lack the fine grain and detailing of natural slate roofs they are generally seen from distances and viewpoints where this does not cause unacceptable visual harm.

9. In these circumstances, and recognising that the appeal site is not within a Conservation Area or other designated area, I conclude that the variation of the disputed condition would not have a significantly detrimental effect on the character and appearance of the area. The variation of the condition would not therefore lead to conflict with Policy S16 of the 2007 Alnwick District Core Strategy, which among other things aims to ensure that the appearance of developments reflects local character.

Other matter

10. In setting out the reasons for my decision I have already addressed the majority of comments made by interested parties. It was also suggested that the use of concrete tiles rather than slate was done for financial reasons, namely to save on construction costs by using cheaper materials. However, this is not in itself a matter which can be addressed by the planning system. I have determined the appeal on the basis of the relevant planning matters and the evidence before me.

Conditions

11. I have imposed an amended version of Condition 12 attached to the original permission which, for the reasons I have given above, no longer refers to the roofing materials. It is necessary to retain the reference to the materials of external walls, and the condition is also amended to refer to the 'discharge of conditions' application 17/01288/DISCON.
12. Planning Practice Guidance (PPG) makes clear that decision notices for the grant of planning permission under section 73 should restate the conditions imposed on earlier permissions that continue to have effect. With the development now being occupied, some previous conditions attached to permission 16/04246/FUL are no longer relevant. For clarity and to ensure compliance with the tests in the National Planning Policy Framework and PPG, I have made minor amendments to the Council's suggested conditions where necessary.
13. I have deleted Conditions 1 and 8 of the original permission, as neither the standard time limit condition or a pre-commencement condition relating to flood resilience are necessary.
14. I have reimposed Conditions 2, 3, 6 and 11 of the original permission. On the basis of the information before me, these conditions continue to have effect and remain relevant to the development hereby permitted. I have also reimposed Conditions 4, 5, 7, 9, 10 and 13 of the original permission, with minor amendments to reflect that the development is now occupied and to incorporate references to the relevant 'discharge of conditions' applications. Again, the available evidence indicates that these conditions, in slightly varied forms, remain relevant and continue to have effect, and there is nothing before me to indicate that they are either unnecessary or unreasonable. The reimposed conditions have different numbering in my decision as a consequence of the deletion of two conditions of the original permission.

Conclusion

15. For the reasons given above the appeal is allowed and planning permission granted, with the disputed Condition 12 varied, Conditions 1 and 8 removed, and other Conditions 4, 5, 7, 9, 10 and 13 amended accordingly.

M Cryan

Inspector