
Appeal Decision

Site visit made on 26 July 2021

by P N Jarratt BA DipTP MRTPI

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

Decision date: 2 August 2021

**Appeal A Ref: APP/X1165/C/21/3273479 and Appeal B Ref:
APP/X1165/C/21/3273480**

71 Steed Close, Paignton, TQ4 7SP

- The appeals are made under section 174 of the Town and Country Planning Act 1990 as amended by the Planning and Compensation Act 1991.
 - Appeal A is made by Mrs Judy Pedrick and Appeal B by Mr Michael Pedrick against an enforcement notice issued by Torbay Council.
 - The enforcement notice, numbered 2019/0227/EN, was issued on 25 March 2021.
 - The breach of planning control as alleged in the notice is the installation of cladding to all external elevations of the building at first floor level as shown on the photographs attached to the notice.
 - The requirements of the notice are to permanently remove the external cladding fixed to the external surfaces of the building and return the building to the condition it was in before the unauthorised works took place.
 - The period for compliance with the requirements is 8 months.
 - Appeal A is proceeding on the grounds set out in section 174(2) (a) and (c) of the Town and Country Planning Act 1990 as amended and Appeal B on ground (c).
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Decision

1. The appeal is allowed, the enforcement notice is quashed and planning permission is granted on the application deemed to have been made under section 177(5) of the 1990 Act as amended for the development already carried out, namely the installation of cladding to all external elevations of the building at first floor level on land at 71 Steed Close, Paignton, TQ4 7SP referred to in the notice.

The appeal property

2. The appeal property is a detached two storey dwelling set within a small group of properties at the head of a cul-de-sac and within a large modern residential development dating from the 1980s. The lower part of the building is in red-brown brickwork and horizontal cladding of a pale-blue/grey colour has been installed at first floor level on all elevations. The cladding material is unknown but I assume that it is plastic or other synthetic material. The pitched roof is tiled. Adjoining the house is a detached garage in painted render.
3. The other dwellings at the head of the cul-de-sac consist of differently designed bungalows and houses having varying degrees of brickwork and render. Although individually they are of a different design and appearance, they combine together to create a pleasant well-designed scheme.

The appeals on ground (c)

4. An appeal on this ground is that there has not been a breach of planning control.
5. The appellants installed weatherboard cladding as they were experiencing flaking/crumbling render on the gable end and front of the property causing dampness and that there are numerous other properties on the estate that have been wholly or partially clad for the same reason.
6. Schedule 2, Part 1 of the Town and Country Planning (General Permitted Development) (England) Order 2015, as amended, permits a range of alterations, improvements and enlargements to a dwellinghouse, subject to a number of conditions. Paragraph A.3 (a) states that the materials to be used in any exterior work (other than materials used in the construction of a conservatory) must be of a similar appearance to those used in the construction of the exterior of the dwellinghouse.
7. The appellants state that the apex of the appeal property had white cladding which had been in situ for over 10 years and that they consulted the Planning Portal when having the cladding fitted. It appears that the appellants concluded that as the property is not within a conservation area and that as they were using a similar product, permission was not required for the cladding. However, this is not relevant to the issue of whether a breach of planning control has occurred.
8. The appellants have provided very little information regarding the type and extent of the white cladding at the apex of the property or how the use of cladding of a different colour to that applied to the first floor of the exterior of the dwelling could be considered to be of a similar appearance, such that compliance with the provisions of the GDPO is not engaged.
9. The installation of the external cladding is development for which planning permission is required. As no such permission exists, the development represents a breach of planning control.
10. The appeal on this ground fails.

The appeal on ground (a)

11. An appeal on this ground is that permission should be granted for what is alleged in the notice. The main issue is the effect of the cladding on the character and appearance of the area.
12. The appellants have submitted photographs and details of other properties on the estate where weather boarding has been installed or where render had been painted. I note that stone cladding on a gable end and the cladding of a summer house are included in the list. Notwithstanding this, there are examples on the estate where weather boarding had been installed although there is no information from the Council to indicate whether these examples represented permitted development or have been subject to enforcement procedures, other than for Nos 44 and 60 Steed Close and 34 Hound Tor Close.
13. In 2012, permission was granted for white UPVc weatherboard to a half gable wall over a garage at 60 Steed Close but an appeal was dismissed in September 2019 for the more extensive external cladding of the same

property (Ref APP/X1165/D/19/3227318). In April 2020 approval was granted for various works including the partial cladding of the first floor south west elevation at 34 Hound Tor Close and the Council has offered no explanation as to why that was considered acceptable in the light of other decisions. I can only assume that the Council does not consider that cladding is unacceptable in certain circumstances or locations on the estate.

14. An appeal has also been dismissed for the provision of external cladding at 44 Steed Close (APP/X1165/D/19/3228001). In both this appeal and the one at 66 Steed Close, the inspectors recognised that within the estate there is still a strong uniformity in its character and appearance and that the relatively limited palette of materials used in the external finishes of the dwellings play an important part in this, which generally consists of red-brown brick, render painted in a white or pale colour, and some dwellings being tile-hung with small plain tiles. Although each case is considered on its merits, I have had regard to these decisions and to the examples of cladding used elsewhere on the estate.
15. I consider that the uniformity of the appearance of the estate established through the original palette of materials and colours represents an important element in the character of the estate. Although the use of weatherboarding to clad the appeal property has changed its appearance, public views of the dwelling are limited due to its location in a cul-de-sac and, whilst the appearance may now be different, it is not in my view incongruous in its local context. Additionally, the original design feature of the dwellings having a contrasting external material at upper level to the brickwork at ground floor level is maintained, albeit in weatherboarding rather than painted render. I therefore consider that whilst the cladding affects the appearance of the area, it is limited in extent and not harmful to it. The character of the estate is maintained.
16. I note that neighbours at Nos 65, 67 and 69 consider that the cladding has improved the appearance of the property.
17. Accordingly, I find that the development is in accord with Policy DE1 of the Torbay Local Plan in respect of the quality of design and visual appeal.
18. Notwithstanding this decision in respect of the acceptability of the cladding, it should not be assumed that other proposals for cladding elsewhere on the estate would necessarily be appropriate in the street scene as each proposal should be considered on its individual merits.
19. For the reasons given above I conclude that the appeal should succeed on ground (a) and planning permission will be granted.

P N Jarratt

Inspector