
Appeal Decision

Site Visit made on 12 October 2021 by Emma Grierson BSc (Hons) MSc MRPTI

Decision by Sarah Housden BA (Hons) BPI MRTPI

an Inspector appointed by the Secretary of State

Decision date: 9 November 2021

Appeal Ref: APP/W0530/D/21/3278483

7 Leeway Avenue, Great Shelford CB22 5AU

- 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 Hugh Moss against the decision of South Cambridgeshire District Council.
 - The application Ref 21/01561/S73, dated 6 April 2021, was refused by notice dated 1 June 2021.
 - The application sought planning permission for single storey front extension with a two-storey side and rear extension, following demolition of the existing front porch, single storey side and rear building projections, conservatory, covered way to side and other exterior alterations, without complying with condition attached to planning permission Ref 20/03100/HFUL, dated 9 September 2020.
 - The condition in dispute is No 2 which states that: The development hereby permitted shall be carried out in accordance with the following approved plans: 19.473/LP, 19.473/24, 19.473/25 and 19.473/27.
 - The reason given for the condition is: To facilitate any future application to the Local Planning Authority under Section 73 of the Town and Country Planning Act 1990.
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Decision

1. The appeal is allowed and planning permission is granted for a single storey front extension with a two-storey side and rear extension, following demolition of the existing front porch, single storey side and rear building projections, conservatory, covered way to side and other exterior alterations at 7 Leeway Avenue, Great Shelford, CB22 5AU in accordance with the terms of the application, Ref 21/01561/S73, dated 6 April 2021, subject to the following conditions:
 - 1) The development hereby permitted shall be carried out in accordance with the following approved plans/documents: 19.473/LP, 19.473/24, 19.473/25 Rev B and 19.473/27.

Appeal Procedure

2. The site visit was undertaken by an Appeal Planning Officer whose recommendation is set out below and to which the Inspector has had regard before deciding the appeal.

Preliminary Matter

3. The Government published on 20 July 2021 a revised version of the National Planning Policy Framework (the Framework). Accordingly, and in light of the reference made to the previous iteration of the Framework within the

submitted evidence, the parties have been provided with a further opportunity to make submissions in respect of the publication. In this respect, I am mindful that the parties have not made any further submissions regarding the revised Framework. However, in light of this re-consultation, I am satisfied that any references made to the revised Framework within this decision would not be unreasonable to them.

Main Issue

4. The main issue is the effect that amending condition 2 would have on the character and appearance of the host property and the surrounding area.

Reasons for the Recommendation

5. The appeal property is a two-storey semi-detached dwelling within a residential area. The materials used on the current dwelling are red bricks and roof tiles, which are also widely used for many of the surrounding dwellings on the eastern side of Leeway Avenue. However, there are also a number of other materials used on surrounding dwellings including lighter coloured brickwork and render. The variation of condition 2 of the consented scheme would allow the single storey front extension to be finished with an off-white render, rather than red brickwork which would match the existing building.
6. The use of render would contrast with the remainder of the property and the prevalent material on this side of Leeway Avenue. However, alterations to other properties in the surrounding area have used render. This includes a single storey front extension at No 11 Leeway Avenue which is in close proximity to the appeal site and the proposed extension would have a similar appearance.
7. It is also noted that render is commonly used for the external appearance of dwellings on Leeway Avenue and the off-white colour is neutral and would not appear incompatible with the surrounding residential area. Furthermore, the size of the proposed front extension, and therefore the rendered area, is relatively small and therefore it would have minimal impact on the overall appearance of the host dwelling.
8. The location of the front extension and the difference in materials would result in a noticeable feature to the front of the dwelling. However, due to its modest size and the presence of other similar materials in the area, it would not be an overly prominent or incongruous addition to the streetscene and would not have a harmful impact on its coherent appearance or overall character.
9. I therefore conclude that the variation of condition 2 would not result in material harm to the character and appearance of the host property or the surrounding area and would not conflict with Policy HQ1 of the South Cambridgeshire Local Plan (2018). This policy requires new development to be of a high-quality design and to be compatible with its location and appropriate in terms of materials. It would also not conflict with the design objectives of the Framework or the National Design Guide.

Conditions

10. The Planning Practice Guidance makes clear that decision notices for the grant of planning permission under section 73 should also restate the conditions imposed on earlier permissions that continue to have effect. I note that

construction of the proposed development has already started and therefore I have not imposed the standard time period condition relating to commencement of the development. Therefore, the only condition imposed is the varied condition relating to compliance with the approved plans.

Conclusion and Recommendation

11. For the reasons given above and having had regard to all other matters raised, I recommend that the appeal should be allowed.

Emma Grierson

APPEAL PLANNING OFFICER

Inspector's Decision

12. I have considered all the submitted evidence and the Appeal Planning Officer's report and on that basis the appeal is allowed.

Sarah Housden

INSPECTOR