



Appeal Decision

Site visit made on 2 November 2021

by Samuel Watson BA (Hons) MSc MRTPI

An Inspector appointed by the Secretary of State

Decision date: 17 November 2021

Appeal Ref: APP/B3438/W/21/3277734

8 Spinney Close, Endon ST9 9BP

- 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 Chris Herbert against the decision of Staffordshire Moorlands District Council.
 - The application Ref SMD/2021/0012, dated 7 January 2021, was approved on 2 June 2021 and planning permission was granted subject to conditions.
 - The development permitted is alterations and extensions.
 - The condition in dispute is No 4 which states that: *Notwithstanding the submitted details and condition 2 the external facing wall material to the rear single storey construction hereby approved shall be entirely of brick to match in colour, form and texture the brick of the existing building.*
 - The reason given for the condition is: *To ensure that the works harmonise with the existing development.*
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Decision

1. The appeal is allowed and planning permission Ref SMD/2021/0012 for alterations and extensions at 8 Spinney Close, Endon ST9 9BP granted on 2 July 2021 by Staffordshire Moorlands District Council, is varied by deleting Condition 4.

Main Issue

2. Planning permission for the extension of, and alterations to, the host dwelling included a condition requiring the rear extension to be faced in brick which matches the existing dwelling rather than the materials shown on the approved details. The Council's statement indicates that the condition is necessary to protect the character and appearance of the area.
3. Therefore, in light of the above, the main issue is whether the condition is reasonable and necessary in the interests of the character and appearance of the area.

Reasons

4. The host property is a two-storey detached dwelling which is set back from, and raised above, Spinney Close which contains a mixture of single and two-storey dwellings. The dwellings in the surrounding area are primarily red brick but are accented by render, hanging tiles or cladding. To the rear of the site the land rises and there is a footpath and playing field, views of the host dwelling, including the ground floor, were possible from the field. During my observations on site, I found that in views from the playing field the host dwelling and its neighbours did not, beyond the use of brick, appear uniform.

5. The proposed rear extension is relatively modest in relation to the host dwelling as a whole and while it would be visible in public views this would only be from a distance. The extension is also set much lower than the footpath and field and is separated from them by a mature hedgerow. Cumulatively I find the extension, and proposed materials, would therefore be retiring in views which are primarily directed at and above the first floor of the host dwelling. Moreover, even if the hedgerow was reduced or removed, the small area of green cladding would not be a prominent or jarring feature detrimental to the character of the host dwelling and surrounding area.
6. I note the Council's reference to cladding being historically an agricultural material, and that it is not typical for the age of this estate. However, the use of materials changes with trends and fashions and, as outlined above, I do not find the use of cladding in this instance to be unacceptable.
7. Therefore, in light of the above, I find that without Condition 4 the proposal would not adversely affect the character and appearance of the host dwelling and its surroundings. It would therefore comply with Policies SS1 and DC1 of the Staffordshire Moorlands Local Plan which require that development is attractive, of a high-quality and maintains local distinctiveness. It would also comply with the guidance on materials set out within the Staffordshire Moorlands Design Guide and the overarching design aims of the National Planning Policy Framework. Accordingly, I find that the disputed condition is not reasonable or necessary in the interests of the character and appearance of the host dwelling and its surroundings.

Conclusion

8. For the reasons given above, and having regard to the development plan as a whole along with all other relevant material considerations, I conclude that the appeal should be allowed and the original permission varied by way of deleting the disputed condition.

Samuel Watson

INSPECTOR