



Appeal Decision

Site visit made on 26 July 2022

by D J Barnes MBA BSc(Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 17 August 2022.

Appeal Ref: APP/Y3425/D/22/3300267
23 Burton Manor Road, Stafford ST17 9QJ

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mrs Fiona Russell against the decision of Stafford Borough Council.
 - The application Ref 21/34026/HOU, dated 14 March 2021, was refused by notice dated 16 March 2022.
 - The development proposed is described as being the upgrade of a conservatory using the existing base.
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Decision

1. The appeal is allowed and planning permission is granted to upgrade of a conservatory using the existing base at 23 Burton Manor Road, Stafford ST17 9QJ in accordance with the terms of the application, Ref 21/34026/HOU, dated 14 March 2021, subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
 - 2) The development hereby permitted shall be carried out in accordance with the following approved plans: Location Plan; 2021:44:01A; 2021:44:02A; Detail View of Double Doors; Detail View of Opening and Non Opening (Fixed Window); 60mm Window Frame – Fixed; 60mm Window Frame – Opening and 75mm Door Frame – Opening.
 - 3) The materials to be used in the construction of the external surfaces of the walls of the development hereby permitted shall match those used in the existing building.

Application for Costs

2. An application for costs was made by Mrs Fiona Russell against Stafford Borough Council. This application is the subject of a separate Decision.

Main Issue

3. It is considered that the main issue is the effect of the proposed development on the character and appearance of the surrounding area.

Reasons

4. The appeal property is a semi-detached dwelling constructed in the mid-1920s situated within the Burton Manor Village Conservation Area where there is a statutory duty to pay special attention to the desirability of preserving or

enhancing the character or appearance of that area. This duty is echoed in Policies N1 and N9 of The Plan for Stafford Borough (LP), including that the design of development must have regard to the local context, including heritage assets. Further, the potential loss of, or harm to, the significance of a heritage asset, including its setting, will require clear justification taking into account, amongst other matters, materials.

5. The Council's *Burton Manor Village Conservation Area Character Appraisal* (the Appraisal) identifies that the area's heritage significance is principally associated with it being an example of a model housing scheme adopting 'Garden City' ideals. There is a formal layout pattern book of house or bungalow types with a uniformity of materials and Arts and Crafts details. The streetscene includes large front gardens usually with front walls, which together with street trees and green spaces, provide a spacious and verdant character and appearance. The landscape gardens also positively contribute to this character and appearance.
6. The appeal property is a semi-detached dwelling sited at a road junction and faces towards an area of formal open space. By reason of siting and scale, this pair of semi-detached dwellings is a prominent feature within the streetscene. From Burton Manor Road, the rear elevations of these dwellings can be glimpsed, including parts of the existing single storey uPVC conservatories.
7. When standing in the property's garden, there are other rear additions to the neighbouring dwellings, including uPVC conservatories of varying designs and sizes. The planning histories of some of these additions have been provided. However, this appeal has been determined on its own circumstances rather than reliance being placed upon other approved or refused similar proposals within the Conservation Area.
8. The proposed development includes the replacement, on the same footprint, of the property's existing uPVC conservatory by a new uPVC conservatory of a different design. The existing conservatory was erected as permitted development prior to the designation of the Conservation Area and its existence attracts substantial weight in the determination of this appeal. The evidence indicates that the Article 4 Direction limiting some permitted development rights does not apply to the rear of dwellings.
9. By reason of planning permission being required, it is necessary to assess the appeal scheme against the policies of the development plan, including LP Policies N1 and N9, and the statutory duty associated with proposals in Conservation Areas. In making such an assessment it is also appropriate to consider the effect of the existing and proposed conservatories on the character and appearance of the Conservation Area.
10. Within the Appraisal, there is no specific guidance concerning the design of conservatories. There is reference to changes to windows and doors but this section is focused on the openings within the dwellings rather than being specifically concerned with the design and appearance of conservatories. The Council's *Design Supplementary Planning Document* (SPD) includes a section about design within conservation areas but this also does not specifically refer to conservatories.
11. In this case, the appeal scheme would replace a conservatory of a similar scale which, although erected under permitted development, exists and existed when

the Conservation Area was designated. Although the profile of uPVC windows would be wider than timber frames and there is an absence of glazing bars, the proposed design includes windows which would be smaller in size than the existing glazed panels. This change to the fenestration would represent an improvement in the design and appearance of the current conservatory. The appearance of the appeal scheme, whether the glimpsed views from Burton Manor Road or those from neighbouring dwellings, would not be materially different from those that currently exist. Further, the siting and scale of the proposed conservatory would not detract from the verdant and spacious character and appearance of the Conservation Area

12. The proposed fenestration would not be a sufficient reason to assess that the appeal scheme would enhance the character and appearance of the Conservation Area. However, by reason of what currently exists, the proposed conservatory would have a neutral effect on the heritage significance of the Conservation Area, in particular it would preserve the 'Garden City' ideals.
13. For the reasons given, it is concluded that the proposed development would not cause unacceptable harm to the character and appearance of the surrounding area and, as such, it would not conflict with LP Policies N1 and N9. Further, the planning circumstances of this appeal would not lead to an unwelcome precedent being established for the erection of other conservatories within the Conservation Area.

Conditions

14. The Council has suggested several conditions in the event this appeal succeeds which have been assessed against the tests in the National Planning Policy Framework and the Planning Practice Guidance. For reasons of clarity, a condition is required that the proposed development is erected in accordance with the submitted drawings, including the design and appearance of the fenestration.
15. A condition has been suggested that the appeal scheme is erected in materials which match those of the host property but this should be limited to the walls rather than including the uPVC frame which is the subject of detailed drawings. This approach would remove the need for the approval of the facing brickwork suggested as a condition by the Conservation Officer.

Conclusion

16. Accordingly, and for the reasons given, it is concluded that this appeal should be allowed.

D J Barnes

INSPECTOR