



Appeal Decision

Site visit made on 23 November 2022

by S Brook BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 20 December 2022

Appeal Ref: APP/C2741/W/22/3303939

Copperfield, Lords Moor Lane, Strensall, York YO32 5XF

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant consent, agreement or approval to details required by a condition of a planning permission.
- The appeal is made by Elaine Lynch against the decision of the City of York Council.
- The application Ref AOD/22/00142, dated 26 April 2022, sought approval of details pursuant to Condition No 3 of a planning permission Ref 19/01262/FUL, granted on 19 November 2019.
- The application for approval of details was refused by notice dated 12 July 2022.
- The development granted planning permission is: Erection of 1 no two storey four-bedroom dwelling following demolition of 3 bedroom bungalow and detached garage. Condition 3 states: 'Notwithstanding any proposed materials specified on the approved drawings or in the application form submitted with the application, samples of the external materials to be used shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of the construction of the development. The development shall be carried out using the approved materials.'
- The reason given for the condition is: 'So as to achieve a visually cohesive appearance'.

Decision

1. The appeal is allowed, and Condition 3 of planning permission Ref 19/01262/FUL, only insofar as it relates to the external roof material to be used, is discharged in accordance with the terms of the application AOD/22/00142 dated 26 April 2022, and the details¹ submitted with it.

Preliminary Matters

2. It is clear from the submitted information that the three-year time limit for the commencement of this development has recently expired. However, it is not for me to determine as part of this appeal, whether a lawful commencement has been made. My reaching a decision on the acceptability of the roofing material would not alter the requirement to have made a lawful start to the development within the specified period.
3. With regards to the Council's decision notice for application AOD/22/00142, I note that no Development Plan policies have been cited and none have been provided with the appeal documents. I have nevertheless had regard to the provisions of the National Planning Policy Framework (NPPF) and the extracts provided from the Supplementary Planning Document Strensall with Towthorpe Village Design Statement 2015 (SPD).

¹ Tata Steel Colourcoat Urban Anthracite (RAL 7016)

Background and Main Issue

4. I am advised that condition No 3 attached to planning permission Ref 19/01262/FUL is partly discharged. On the 18 March 2022 under Ref AOD/21/00257, the Council approved render, cladding and brick materials for the external walls of the development, but refused to discharge the proposed roofing material. The Council then refused a further application seeking approval of the proposed roofing material under Ref AOD/22/00142.
5. Consequently, I consider the main issue to be whether the effect of the proposed roofing material on the character and appearance of the approved development and its surrounding area, would be acceptable.

Reasons

6. Lords Moor Lane is characterised mainly by bungalows set within generously sized plots, set back from the road. The spacing between housing and the wide grassed verge and mature trees, provide a spacious and leafy character to the area. Existing dwellings have a mixed appearance in terms of design and materials, with the use of mostly brick or render to the external walls and slate or pantiles to the roofs, with some modern artificial tiles present also. The site itself is not subject to any statutory designations.
7. The approved replacement dwelling under Ref 19/01262/FUL, is of a contemporary design, incorporating a mono-pitch roof to a two-storey element, that would mark a change in appearance from existing dwellings. At my site visit, I observed the construction of a two-storey replacement dwelling on the neighbouring plot also, which has reached an advanced stage. This neighbouring dwelling is contemporary in appearance, with a predominantly flat roof and large expanse of glazing with horizontal emphasis. I am advised that this dwelling will have a sedum roof.
8. The contemporary design of this and the neighbouring plot will appear different to existing development and will add to the variety of design already visible along this road. The proposed roofing material to the replacement dwelling is a dark coloured metal cladding. The Council has clarified that the colour finish would be Anthracite (RAL 7016). I observed a sample of this on site, it has a smooth finish. Whilst in contrast to the traditional slates and pantiles of many dwellings in the area, this more modern material would be consistent with the contemporary design approach that has been adopted for the approved replacement dwelling, which has included a high white render finish, smooth blue brick and cladding to its elevations, resulting in a visually cohesive appearance. Given that a contemporary style of dwelling has been approved on this site and has already been introduced on the neighbouring plot, the character of the area has evolved to some degree, to include an element of contemporary development as part of a mix of housing styles and materials. In this context, the introduction of the proposed metal roof would not harm the character or appearance of the area.
9. For the above reasons, the proposed roofing material would not harm the character or appearance of the approved development or its surrounding area. Indeed, the design achievements of the scheme granted planning permission

are suitably reflected and supported by the submitted material sample. The proposed roofing material would therefore accord with the NPPF in so far as its policies require development to add to the quality of the area and be visually attractive and sympathetic to local character and the surrounding built environment. Whilst the roofing material would not be traditional, such as clay pantiles or blue slate as advocated by the SPD, the design itself is not traditional, and the proposed building material would be sympathetic to the replacement dwelling and to the neighbouring property, as required by the SPD.

Other Matters

10. I am advised that the site lies 55m from the Strensall Railway Buildings Conservation Area (the CA). The Council has not raised any concerns with the proximity of the proposal to this designated heritage asset, and any impact on its setting. I have not been provided with any information relating to this designation. However, noting the nature of the proposal and the intervening distance and buildings, I am content that the proposed roof material would not affect the setting of the CA.
11. I note that the appeal site lies in close proximity to the Strensall Common Special Area of Conservation (the SAC). However, given that this appeal relates to the detail of materials only in relation to an approved development for a replacement dwelling, it is not considered that the proposal before me would have any likely significant effects upon the SAC over and above the replacement dwelling itself.
12. For the avoidance of doubt, whilst an informative setting out that a metal clad roof will unlikely be found acceptable appears beneath the disputed condition on the Council's November 2019 Decision Notice, there is nothing in the main body of condition to prejudice the approach that has been taken by the appellant.

Conclusion

13. For the reasons set out above, I conclude that the appeal should be allowed. Thus, Condition 3 attached to planning permission Ref 19/01262/FUL, only in so far as it relates to the external roof material to be used, is hereby discharged.

S Brook

INSPECTOR