



Appeal Decision

Site visit made on 29 November 2022

by Samuel Watson BA(Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 16 January 2023

Appeal Ref: APP/C3430/W/22/3303046

Kings Lodge, Bridgnorth Road, Staffordshire, Stourton DY7 5BJ

- 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 Andrew Jay against the decision of South Staffordshire District Council.
 - The application Ref 22/00434/VAR, dated 9 May 2022, was refused by notice dated 24 June 2022.
 - The application sought planning permission to rebuild existing dwelling with extensions and internal modifications without complying with conditions attached to planning permission Ref 18/00375/FUL, dated 21 August 2018.
 - The conditions in dispute are Nos 2 and 3 which state that:
 - (2) The development shall be carried out in accordance with the approved drawings: Project no. 17-110-5, 6A, 7A and 8A received on 01/05/2018.
 - (3) The materials to be used on the walls and roof of the extension shall match those of the existing building unless otherwise agreed in writing by the Local Planning Authority.
 - The reasons given for the conditions are:
 - (2) In order to define the permission and to avoid doubt.
 - (3) To safeguard the visual amenity of the area and the existing building in particular in accordance with policy EQ11 of the adopted Core Strategy.
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Decision

1. The appeal is dismissed.

Main Issue

2. The main issue is the effect that varying conditions 2 and 3, as imposed on permission reference 18/00434/VAR, would have on character and appearance.

Reasons

3. The appeal site is a large spacious plot off Bridgnorth Road, it contains two detached buildings, the appeal building to the front and a long liner building towards the rear. The site is located within a rural setting interspersed with sporadic development. At time of visit works were underway on the host dwelling, they appeared to be a significant way along.
4. Although only limited details have been provided for the now replaced dwelling, I understand that it was built in red sandstone ashlar and was of a traditional style. Given its positioning, and the relatively low and open boundary treatment along the frontage, it would have been a prominent and modestly

interesting feature in public views. I am mindful that it was not statutorily listed or otherwise designated.

5. The extant permission¹, that this proposal would amend, would have resulted in the replacement of the original building with a larger one that reflected some of the traditional features and incorporated more modern ones too. I note in particular the archways over the front porch, as well as over the north and south gables. Moreover, as part of this, the ashlar blocks taken from the original dwelling would have, in part, been reused. In my mind therefore, the extant permission is for a high-quality dwelling that makes use of vernacular materials and traditional features that are characteristic of the area.
6. Paragraph 135 of the National Planning Policy Framework (the Framework) states that "Local planning authorities should seek to ensure that the quality of approved development is not materially diminished between permission and completion, as a result of changes being made to the permitted scheme (for example through changes to the approved details such as the materials used)".
7. The proposal before me does not include the more traditional features noted above, and instead relies primarily upon very contemporary design cues. Of particular note are the half-rooflights across the west elevation, the significant wall of glazing in the northern gable, and the use of timber cladding and render to replace the proposed stonework. The appearance of the resulting building would no longer reflect the original dwelling and would not, unlike the permitted replacement, be sympathetic to its character and appearance as a result of the loss of traditional features and their replacement with more contemporary ones. Moreover, given its somewhat prominent siting, the changes to the appearance of the replacement building would be visible in public views and consequently affect the way in which it would be experienced and contribute to, the character and appearance of the wider area. Given there is an extant permission for a high-quality design, I find that the proposal before me would materially diminish the quality of the development and would, as a result, be unacceptable.
8. I note the concerns raised by the appellant that a significant portion of the ashlar blocks are no longer suitable for structural roles and that it would not be possible to find matching replacements. However, I understand from my observations on site and the evidence before me that the blocks would serve as a cosmetic facing only, with the structure of the replacement dwelling having already been completed in breezeblocks. Moreover, I understand that potential remediation works to damaged blocks, and the replacement of those that could not be suitable refurbished, has already been considered. No substantive evidence has been submitted to demonstrate that the refurbishment or replacement of the ashlar blocks could not be carried out and I therefore find it has not been justified.
9. In light of the above, the proposed variation of conditions 2 and 3 would erode the quality of the original permission to the detriment of the character and appearance of the site and its surroundings. The proposal would therefore conflict with Policy EQ11 of the Core Strategy Development Plan Document which requires, amongst other matters, that the design of any proposal is of a high quality that takes account of the local character and distinctiveness, including traditional design and forms of construction. The proposal would also

¹ Ref 18/00375/FUL

conflict with the design aims of the Framework set out under Section 12, including Paragraph 135 as outlined above.

Conclusion

10. The proposal would result in character and appearance harm and would conflict with the development plan taken as a whole. There are no material considerations that indicate the decision should be made other than in accordance with the development plan. Therefore, for the reasons given, I conclude that the appeal should be dismissed.

Samuel Watson

INSPECTOR