



Appeal Decision

Site visit made on 7 March 2023

by Eleni Randle BSc (hons) MSc FRICS FAAV MRTPI

an Inspector appointed by the Secretary of State

Decision date: 29th March 2023

Appeal Ref: APP/J3720/D/23/3314157

Tea Cosy Cottage, 25 Dunnington Road, Berry Coppice, Salford Priors, Warwickshire, B49 5NW

- 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 Ms Eileen Hoare against the decision of Stratford-on-Avon District Council.
 - The application Ref 22/02370/FUL dated 8 August 2022, was refused by notice dated 15 November 2022.
 - The development proposed is erection of external raised platform (retrospective).
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Decision

1. The appeal is allowed and planning permission is granted for erection of external raised platform (retrospective) at Tea Cosy Cottage, 25 Dunnington Road, Berry Coppice, Salford Priors, Warwickshire, B49 5NW in accordance with the terms of the application ref: 22/02370/FUL dated 8 August 2022, subject to the following conditions:
 - 1) The development hereby permitted shall be undertaken in complete accordance with the following approved plans: 22.120.01 (location plan), 22.120.02 (block plan), 22.120.03 (roof plan), 22.120.04 (elevations 1 of 2) and 22.120.05 (elevations 2 of 2).
 - 2) The materials used in the development hereby permitted shall match those stated on the application form and approved plans. No removal or variation of the timber privacy boarding shall take place unless details are submitted to, and approved in writing by, the Local Authority.

Procedural Matters

2. I note that the appellant's statement has suggested alternatives including removal of the timber screening as well as alternative design options. It is not appropriate to consider evolutions, or amendments, to a scheme within an appeal process where, in this case, it would prejudice interested parties who have not had opportunity to comment upon alternative proposals. For the avoidance of doubt, I have determined the proposal as was before the Council and have not taken into account any other versions of the proposal as suggested.

Main Issue

3. The main issue is the impact of the proposal upon the character and appearance of the host property as well as the wider rural landscape.

Reasons

4. The appeal site is a detached dwelling located within a rural area within a row of dispersed properties on the edge of the village of Dunnington. At the time of site visit I note that the host dwelling appears to have been extended in the past and, as a result of these extensions, the dwelling has a very unique architectural style, character and appearance. The dwelling is already a mix of part tiled and part thatched roof as well as painted brick, exposed brick and part timber clad elevations. I find that the host dwelling is far from uniform in its existing character or appearance – there is not one element of uniformity in its existing appearance and construction.
5. There are properties to the North and South with the nearest being Heath Cottage which has outbuildings between the appeal site and the main house. The outbuildings are noted by the Council to be providing garaging to a new development of five dwellings, which, at the time of my site visit, were under construction. The nearest public footpath is more than 450 metres away from the appeal site and the surrounding area, East and West, are characterised by open fields. The appellant's submissions demonstrates that the proposal is not perceptible from this footpath within the wider landscape.
6. Retrospective permission is sought for the retention of an external raised platform located to the rear of the property. The platform stands approximately 2.6 metres above ground level, accessed by an external spiral staircase, which provides and seating and amenity area to the rear of the property. Timber screening panels, which are non-uniform, surround the platform around the outer edges and the timber boarding brings the structure to an overall height (at the highest point) of 4.3 metres. This is still lower than the adjoining ridge heights for the host property.
7. As outlined above, and noted at the time of my site visit, the host dwelling is of unusual character consisting of a mix of materials and finishes. Opinions as to design are subjective but I find that unusual, rustic, design of the raised platform with the non-uniform timber privacy screen is consistent with the unique character of the host building and does not detract from its character or appearance. Indeed had something been proposed which was more uniform in appearance I find that this would likely have appeared at odds with the existing property by comparison.
8. Views of the proposal would be limited within the public realm, which means I find the proposal would not be harmful to the open countryside or wider landscape character. The proposal is largely obscured from the street scene due to the existing vegetation and trees on site. Despite this, even if trees were removed (as is raised objections received), given the existing character of the property I do not find that the proposal would present as out of character or result in impact to the character, or appearance, of the host property that would warrant refusal.
9. Overall, I do not find that the raised deck platform and timber screen can be considered to cumulatively give rise to an overly prominent form of development which would dominate the rear of the host property. The size of the platform, in comparison to the host building, is modest and the proposal would not appear incongruous by reason of its design due to the existing extensions and varied material palette as outlined. Given the rural setting of the site the proposal is not realistically viewed as part of any uniform character

of the area. I do not find there would be harm to the character or appearance of the host property or wider landscape and do not find that the proposal is prominent in its siting.

10. The proposal would be consistent with Stratford-on-Avon District Core Strategy (2011 to 2031) (CS) Policy CS.5 which seeks to maintain landscape character and quality by ensuring that development takes place in a manner that minimises and mitigates its impact with proposals having regard to local distinctiveness. The proposal would also be consistent with CS Policy CS.9 which requires that proposals will be sensitive to the setting, existing built form and landscape character of the site and locality.
11. The proposal would also be consistent with CS Policy CS.20 which requires that alterations and modifications to existing buildings and dwellings are of an appropriate scale and subservient in relation to the existing building, taking into account the site location and the cumulative impacts of previous extensions and development on site where appropriate.

Other Matters

12. Objections are also noted. I have dealt with matters relating to design within the main issue outlined above in this decision letter. Concern has been raised about the proximity of an electricity power cable close to the platform, however, this is not a planning matter which falls within the scope of this appeal. Concerns have been raised within objections relating to the stability and safety of the structure, however, matters such as structural stability generally lie within Building Regulations and not within planning applications. It is, however, reasonable to assume that the appellant would not use such a platform as constructed if indeed it was dangerous or unsafe in any way.
13. I note that a number of objections raised overlooking and privacy concerns. I note that the Council, nor Planning Committee that refused this proposal, have raised privacy or overlooking as a reason for refusal in the final decision notice. At the time of my site visit I stood on the platform and acknowledge there would be some level of overlooking, from the platform, with regard to the paddock land to the North and the agricultural land to the East. Agricultural and paddock land is not offered the same level of protection due to the generally less intensive use as well as its lack of use as private garden land (within which users can expect a certain standard of protected amenity in close proximity to the property that land serves). Despite this I find that, when stood on the platform, overlook was limited to over the top of the timber screen and such views were limited to when stood up on platform. With normal use, i.e. utilising the seating that was present on the platform, I find that there would be next to no views out from the platform during actual use of the platform as a result of the screening.
14. Whilst stood on the platform I looked towards the outbuildings of Heath Cottage, however, given the distance involved, I found the views to be extremely limited and, as already stated, limited to when actually stood on the platform. Overall, I do not find the proposal would result in harmful loss of privacy or loss of amenity to neighbouring occupants or future occupiers of the housing development noted at Heath Cottage.
15. Concerns have been raised about noise, however, the platform is limited in size and I have no evidence before me to suggest that use of the platform as part

of a single residential dwelling would arise to noise concerns which would warrant refusal.

16. I note concern that the privacy screen could be removed in a few minutes by the current owners or any new occupants. A condition can be attached to any permission granted requiring the proposal to be maintained in accordance with the approved plans. In this case, any approved plans include the specifically labelled timber privacy screen meaning that any removal of the screen (or its replacement without permission with alternative materials) could be dealt with via a breach of condition of the permission granted. This gives the Council control over the development as well as offering assurances to objectors that the proposal should be maintained as approved.

Conditions

17. The proposal is retrospective so there is no requirement for a time condition for commencement of the proposal. A condition requiring the development to be in accordance with the approved plans is required to control and define the development which is granted consent (including maintaining the privacy screen). A materials condition is required to ensure that any deviations from the materials are approved by the Council to ensure an appropriate finish is maintained in accordance with that which has been approved.

Conclusion

18. For the reasons outlined above, and taking account all other matters raised, I conclude that the appeal should be allowed subject to conditions.

Eleni Randle

INSPECTOR