



Appeal Decision

Site visit made on 20 March 2023

by E Worley BA (Hons) Dip EP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 30th March 2023

Appeal Ref: APP/W1850/W/22/3301391

Woodview Cottage, Pontrilas Road, Ewyas Harold HR2 0EW

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a failure to give notice within the prescribed period of a decision on an application for planning permission.
 - The appeal is made by Miss Amy Wheeler against Herefordshire Council.
 - The application Ref 214118, is dated 7 November 2021.
 - The development proposed is described as 'To keep an existing storage container in the front garden. We have started to clad it with wood to help it blend in with the surroundings. Width 2.550m height 2.715m and 3.058m length'.
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Decision

1. The appeal is allowed and planning permission is granted for the siting of a storage container width 2.550m, height 2.715m and length 3.058m at Woodview Cottage, Pontrilas Road, Ewyas Harold HR2 0EW in accordance with the terms of the application, Ref 214118, dated 7 November 2021, and the plans submitted with it, subject to the following conditions:
 - 1) The development hereby permitted shall be carried out in accordance with the following approved plans: Location Plan and Block Plan; Container Elevations (Feb 2022); Site Elevations (Jan 2022 Rev 1); and Site Plan Proposed Container (Feb 2022) and the schedule of materials indicated thereon.
 - 2) Within two months of the date of this permission the external timber cladding to the container shall be treated with a dark stain, the detail of which shall be submitted to and approved in writing by the local planning authority. The container shall thereafter be retained as such.
 - 3) No windows shall be constructed in the side elevations of the container or the elevation facing Woodview Cottage.

Preliminary Matters

2. The description of development given in my formal decision more accurately and precisely describes the development than the description provided on the planning application form as it omits the superfluous wording which does not describe acts of development and reflects the correct dimensions of the container.
3. The storage container is in situ on the appeal site however the development is not yet complete as the external cladding is only partly finished. The plans before me appear to reflect the development that has taken place in terms of

the siting and dimensions of the container, as such the appeal is determined on the basis of the submitted plans.

4. The Council failed to determine the planning application within the prescribed period. However, as part of the appeal the Council has submitted a copy of the officer's committee report which sets out a recommendation of approval, the principal consideration relates to the main issue set out below.

Main Issue

5. The main issue for consideration is the effect of the development on the character and appearance of the area.

Reasons

6. The appeal property is a traditional semi-detached 2 storey dwelling in a row of similar residential properties arranged in a linear configuration fronting the highway. The properties are set back a similar distance from the road with various means of enclosure to the front gardens, including hedges and shrubs which contribute to the verdant character of the area. There are also examples of detached single storey buildings sited close to the highway to the front of nearby dwellings on both sides of the road.
7. The appeal relates to a timber clad storage container which is positioned on land to the front of the host dwelling. Whilst sited to the front of the dwelling, the container, which is of a simple design, is modest in size and scale. A number of interested parties have expressed concern regarding the appearance of the container. I note that it is the appellant's intention to complete the external cladding if permission is granted, as shown on the submitted plans. Furthermore, the details of the finish of the timber can be secure via a planning condition, in order to ensure it is sympathetic to the site context.
8. In light of the above considerations, the container does not appear as an unduly prominent or anomalous feature in the street scene and assimilates well with the surrounding development.
9. I therefore conclude that the storage container does not harm the character and appearance of the area. Accordingly, it complies with the Herefordshire Local Plan Core Strategy 2011-2031 Policies LD1 and SD1 which, among other things require development to reflect the character of the area and to be of a high quality design. The proposal would also accord with the combined aims of Policies G1 and G2 of the Abbeydore, Bacton, Ewyas Harold, Dulas, Llancillo, Rowlestone and Kentchurch Neighbourhood Development Plan (February 2018) which seek to ensure development protects and enhances the landscape and setting of settlements in the Golden Valley and is of a high quality design.

Other Matters

10. It is unlikely that the storage container, which is raised off the ground, exacerbates flooding in the area. Furthermore, I note that the River Lugg Internal Drainage Board raise no objection to the proposal on these grounds.
11. I note concerns regarding that the proposal would set a precedent for similar development, however each proposal must be assessed on its individual merits. It is suggested by interested parties that the container could be sited

elsewhere on the site, however I am required to consider the proposal on the basis of the information before me.

12. Due to the scale and siting of the container adequate off-street parking remains at the property. Whilst the container can be seen from the adjoining properties, the outlook from the first floor windows towards the wider landscape is not meaningfully affected. Maintenance of the boundary hedge is a private matter between the parties involved.
13. In the absence of any substantive evidence to dismiss the appeal on any of the above grounds, the concerns raised do not override or affect my conclusions on the main issues.

Conditions

14. I have considered the Council's suggested conditions against Paragraph 56 of the Framework and the Planning Practice Guidance. I have made some revisions to the conditions in the interests of clarity and to ensure compliance with the Framework.
15. I have included a condition specifying the relevant plans, which include a materials schedule, as this provides certainty. As the container is sited within the residential curtilage of Woodview Cottage planning permission would be required for any material change to its use. As the Council is content that use for ancillary purposes would be acceptable, a condition controlling the use of the container is not necessary. A condition is necessary to secure details of the stain to be used in the finish of the timber in order to safeguard the character and appearance of the area.
16. In the interests of the living conditions of the occupiers of the adjoining residential properties, a condition to prevent the insertion of windows in the side elevations and the elevation of the container facing towards Woodview Cottage is necessary to avoid any direct overlooking.

Conclusion

17. For the reasons given above I conclude that the appeal should be allowed.

E Worley

INSPECTOR