



Appeal Decision

Site visit made on 7 March 2023

by Nichola Robinson BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 6th April 2023

Appeal Ref: APP/J3720/D/22/3306053

2 Rivermeade, Barton Road, Welford on Avon, Warwickshire CV37 8BF

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission under section 73A 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 Steffan George against the decision of Stratford-on-Avon District Council.
 - The application Ref 22/00362/VARY, dated 7 February 2022, was refused by notice dated 9 June 2022.
 - The application sought planning permission for erection of single storey rear extension and detached garage without complying with a condition attached to planning permission Ref 19/01960/FUL, dated 18.10.2019.
 - The condition in dispute is No 3 which states that: the materials to be used externally on the development hereby permitted, shall comply in colour, form, profile and texture with the details shown on the approved drawing(s) no(s), 8984-400 and 8984-302, and shall be constructed and completed before the development is first occupied or used, and thereafter so retained.
 - The reason given for the condition is: the Local Planning Authority considers these materials to be acceptable in the interests of visual amenity in general and the character and appearance of the development itself, having regard to Policies CS.9, CS.15 and AS.10 of the Stratford on-Avon District Core Strategy 2011-2031.
-

Decision

1. The appeal is allowed and planning permission is granted for the erection of a single storey rear extension and detached garage at 2 Rivermeade, Barton Road, Welford on Avon, Warwickshire CV37 8BF in accordance with application Ref 22/00362/VARY made on the 07.02.2022 without complying with conditions 2 and 3 set out in planning permission Ref 19/01960/FUL granted on 18.10.2019 by Stratford-on-Avon District Council but otherwise subject to the following conditions:
 1. The development hereby approved shall be carried out in accordance with the following plans and drawings – 2019.46 001, 2019.46 002, 2019.46 003, 2019.46 004, 2019.46 005 and 8984-301 (submitted in relation to application Ref 19/01960/FUL) in so far as it relates to the first floor only.
 2. The materials shall be those described on plan refs 2019.46 003, 2019.46 004 and 2019.46 005 and thereafter shall be so retained.
 3. The garage(s)/car-port(s) shall be used solely for vehicle parking purposes incidental to the occupation and enjoyment of the dwellinghouse which it serve(s), and shall not be used for, nor in connection with, any commercial trade or business purposes and shall not be converted into habitable

accommodation, including domestic workshop, study, games room and similar uses, without the prior written approval of the Local Planning Authority.

Background and Procedural Matters

2. Planning permission has been granted for the erection of a single storey rear extension and detached garage. That permission was subject to a number of conditions. Condition 2 listed the approved plans and condition 3 specified that the materials should comply with the details on the approved drawings. The application form refers to a variation to condition 3 to reflect an amended design and palette of materials. However, during the course of the application, the Council amended the application description to also include the variation of condition 2. Procedurally, this appears to be necessary in any case. The Council determined the proposal on that basis and so shall I, notwithstanding the description given in the banner heading above.
3. This application is made under Section 73A of the Town and Country Planning Act 1990 for development which has already been carried out without complying with conditions subject to which a previous planning permission was granted. There is a suggestion that what has been built on site is not what is shown on the plans. For the avoidance of doubt, I will determine the appeal on the basis of the submitted plans. Whether or not what has been built accords with these plans is a matter for the main parties to resolve outside of the appeal process.
4. The appellant does not list any changes to the first floor amongst the amendments and an amended first floor plan does not form part of this appeal. Thus, for the purposes of determining this appeal, I have taken the first floor layout as it is shown on Drawing 8984-301 of application Ref 19/01960/FUL.

Main Issue

5. The Council refused this application due to the effect of the amended materials on the character of the surrounding area. Therefore, the main issue is the effect that the variation of the condition would have on the character of the surrounding area, in particular in relation to the palette of materials.

Reasons

6. 2 Rivermeade is a 2 storey detached dwelling which forms part of a row of dwellings of a similar style and palette of materials which are accessed via a private drive. These dwellings are set back from the drive within spacious plots and are bordered by the River Avon to the north and open agricultural land to the south. This contributes to a green and spacious character to the surrounding area, to which the appeal property makes a positive contribution. Clear views of the rear elevations of the properties can be gained from a public right of way to the rear of the site.
7. The amendments which form part of this appeal includes the use of composite timber cladding in place of timber cladding. This appears brighter than the weathered cladding to the surrounding properties. Nonetheless, it is similar in form and profile and the variation in colour does not detract from the character and appearance of the row of dwellings in views from the street scene or from the public right of way.

8. In light of the above, the amended materials do not result in harm to the street scene or the local area. Thus, I find no conflict with those aims of Policy CS.9 of the Stratford-on-Avon District Core Strategy 2011-2031 (2016) or Policy HLU2 of the Welford-on-Avon Neighbourhood Development Plan 2011- 2031 (2017) which seek to ensure that new development adopts high levels of design quality.

Other Matters

9. As well as the changes to the materials there are a number of other changes shown. These amendments do not detract from the character and appearance of the wider area. Given the scale and height of the annexe and its separation from the neighbouring property these changes do not introduce harm to the living conditions of the occupants of 3 Rivermeade through loss of light.
10. I have considered the comments made by interested parties regarding the ownership of land. Nonetheless, I have determined this appeal on its planning merits, and this is a matter which does not lead me away from my findings on the main issue.

Conclusion

11. For the reasons given above I conclude that the appeal should be allowed and grant a new planning permission replacing the disputed condition and condition No 2 with 2 amended conditions which reflect the amended design and palette of materials but retaining the non-disputed condition from the previous permission that appears still to be relevant. However, a condition relating to the commencement of development is not needed since the development has already been carried out.

Nichola Robinson

INSPECTOR