
Appeal Decision

Site visit made on 7 March 2023

by Alexander O'Doherty LLB (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 09 May 2023

Appeal Ref: APP/C1625/D/22/3309720

Tanyard, Frampton on Severn, Gloucestershire GL2 7EH

- 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 Mr & Mrs H Williams against the decision of Stroud District Council.
 - The application Ref S.22/1337/HHOLD, dated 14 June 2022, was refused by notice dated 28 September 2022.
 - The development proposed is described on the application form as, "Rear single storey extension, first floor extension and porch".
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Decision

1. The appeal is allowed and planning permission is granted for erection of rear single storey extension, first floor extension and porch at Tanyard, Frampton on Severn, Gloucestershire, GL2 7EH in accordance with the terms of the application, Ref S.22/1337/HHOLD, dated 14 June 2022, and subject to the conditions set out in the attached schedule.

Preliminary Matter

2. Differing to the description of development in the banner header above, the Council's decision notice accurately describes the development as shown on the supporting plans as, "Erection of rear single storey extension, first floor extension and porch". I have used this description in my consideration of the appeal and in my decision since it best describes the proposed development in precise and concise terms.

Main Issue

3. The main issue is the effect of the proposed development on the character and appearance of the host property.

Reasons

4. The appeal site comprises a former agricultural building, known as Tanyard, which has previously been converted into a dwelling, and the accessway, driveway, and garden, which surround Tanyard. In keeping with the traditional character of the semi-rural area that the site is located within, Tanyard is constructed of red brick and has a clay tiled roof.
5. The appellants have calculated that the proposal would entail an approximately 27% increase in the footprint of Tanyard, and this figure has not been disputed by the Council. This total uplift in footprint would not be excessive, and much of the increase would be due to the proposed rear single storey extension, which would be significantly set-down from the ridge of the roof, thereby being

subordinate to the central portion of Tanyard. Moreover, much of this element of the proposal would be composed of glazing, which would reduce its visual impact and which would broadly mirror and complement the long bank of windows which are present on the existing single storey projection with a glass frontage that faces into the garden.

6. Furthermore, the proposed first floor element would not significantly augment the scale and massing of Tanyard, and it would seamlessly follow the existing building form of the central portion of Tanyard.
7. Whilst I recognise that the proposed dormers and porch would add features associated with domestic use, the proportionate increase in scale and massing arising via the proposal as a whole, the discrete size of the proposed dormers, and the subordinate nature of the proposed rear single storey extension would all ensure that the traditional rural aesthetics of Tanyard would be preserved. Overall, I am satisfied that Tanyard would retain its character and appearance as a former agricultural building, and that its significance, including its attractive rustic charm which is in keeping with its semi-rural context, would be maintained by the proposal.
8. I therefore find that the proposed development would have an acceptable effect on the character and appearance of the host property. It would comply with criterion 2 of Policy HC8 of the Stroud District Local Plan (adopted 2015) (Local Plan) which provides that, amongst other things, permission will be granted for the extension of residential properties provided that the height, scale, form and design of the extension is in keeping with the scale and character of the original dwelling (taking into account any cumulative additions), and the site's wider setting and location.
9. The proposal would also comply with criterion 5 of Policy CP14 of the Local Plan which provides that, amongst other things, development will be supported where it achieves an appropriate design and appearance, which is respectful of the surroundings, including the local topography, built environment and heritage.

Other Matters

10. It is common ground between the main parties (including the Council's Conservation Officer) that the proposal would not affect the setting or significance of the Frampton on Severn Conservation Area, or The Malt House (a Grade II listed building), or any listed buildings further afield. I have no evidence before me that points to a different conclusion.

Conditions

11. I have had regard to the conditions suggested by the Council. I have considered them against the advice on conditions set out in the National Planning Policy Framework (the Framework) and the Planning Practice Guidance (PPG).
12. Conditions are necessary, in the interests of clarity and enforceability, setting out the timescale for the commencement of development and the approved plans respectively. A condition is necessary controlling external materials to secure an acceptable appearance for the development. A condition is also necessary restricting the days and hours of operation of construction machinery / plant and processes, and in relation to construction-related

deliveries to and from the site, to safeguard the living conditions of nearby occupiers in terms of noise and disturbance.

13. Although the Council has suggested text for informative notes, the PPG advises that informative notes do not carry any legal weight and cannot be used in lieu of planning conditions or a legal obligation to try and ensure adequate means of control for planning purposes¹. Nevertheless, the appellants will be aware of the legislation surrounding roosting bats and public rights of way due to these matters being highlighted in Council's suggested conditions document.

Conclusion

14. For the reasons given above, having considered the development plan as a whole, the approach in the Framework, and all other relevant material considerations, I conclude that the appeal should be allowed.

Alexander O'Doherty

INSPECTOR

¹ Paragraph 21a-026-20140306

Conditions Schedule

- 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans: Location and Block Plan (21.051.01), Proposed Plans and Elevations (21.051.03) (Rev C).
- 3) The materials to be used in the construction of the external surfaces of the development hereby permitted shall match those used in the existing building.
- 4) Construction site machinery / plant shall be operated, processes shall be carried out, and construction-related deliveries shall be taken at or despatched from the site, only between 08:00hrs to 18:00hrs on Mondays to Fridays, between 08:00hrs to 13:00hrs on Saturdays, and not at any time on Sundays or on Bank or Public Holidays.