



Appeal Decision

Site visit made on 2 November 2023

by D Cramond BSc MRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 27.11.2023

Appeal Ref: APP/D1265/W/23/3317858

The Green Man, Kings Stag, Sturminster Newton, DT10 2AY

- 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 Stock Estate Partnership against the decision of Dorset Council.
 - The application Ref P/FUL/2022/02842, dated 04 May 2022, was refused by notice dated 7 September 2022.
 - The development proposed is a wooden pergola within the pub garden to provide undercover seating.
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Decision

1. The appeal is allowed and planning permission is granted for a wooden pergola within the pub garden to provide undercover seating at The Green Man, Kings Stag, Sturminster Newton, DT10 2AY in accordance with the terms of the application, Ref P/FUL/2022/02842, dated 04 May 2022, subject to the following conditions:
 1. The roof of the pergola hereby permitted will be painted a dark brown matt tone within 6 months of the date of this decision and shall be maintained and retained in this form thereafter unless the local planning authority gives its written consent to any variation.
 2. The structure hereby permitted will not be subject to the infilling of any of its open sides at any time by any means.

Preliminary Matter

2. The structure is in place; this does not alter the way in which I assess the merits of the case.

Main Issue

3. The main issue is the effect of the proposal on the character and appearance of the host property and the locality.

Reasons

Character and appearance

4. The appeal property comprises a village pub at a crossroads and has car parking and beer gardens to front, side and rear of the building. The attractive original building has been extended to the sides and front, forming an L-shaped structure and notwithstanding some less sympathetic works the scene is relatively quaint, eclectic and an interesting quadrant to the cross roads. There is a diverse range of other buildings and spaces found locally which form a generally pleasing scene of rural small village character. The proposal is as described above; it is partly attached alongside the host building, partly projecting forwards, and has a mono pitch roof.
5. The Council is concerned that given the composition and positioning of the structure it is unduly dominant and incongruous failing to respect the character of the host building and the prevailing form its surrounds.
6. For my part I noted that the design and structure was simple, functional, and visually low key rather than flamboyant. From the north the set-forward arrangement of preceding buildings means any visibility is only 'at the last minute' and correspondingly from the south the structure is seen against the back drop of immediate buildings with landscape and dwellings a little further back. Additionally, the context of the scene is, amongst other things, parked cars, commercial garden furniture, signage and electric pole and supply. Seen from front-on the structure only slightly registers given its modest supports and its see-through form and the amalgamation of buildings beyond. The proposal is unusual, and is clearly a recent adjunct to the older building alongside, but I would not say it was unacceptably incongruous and certainly not overly visually dominant.
7. As I imply, an attribute of the structure is that it is lightweight in appearance, not unduly eye catching and allows for views through. Accordingly open sides are an important facet to my mind and should not be 'filled-in'. On the other hand, and while I take the Appellant's point about nearby solar panels being arguably comparable, the roof does presently appear too light in colour, too modern in finish and too glossy. That is my one concern. To my mind the roof should be darkened to sit more sympathetically with the immediate surrounds.
8. Given the nature of the scheme and scope for planning conditions I conclude that the proposal would not run contrary to LP Policy 24 which, amongst other matters, seeks to secure well-designed development in a form appropriate to the character and appearance of its context.
9. I would add that I am cognisant of Policy 27 of the Adopted North Dorset Local Plan Part 1 (2011-2031) (LP) which generally supports works to community facilities to assist with continuity, viability and diversification. The case for the move to a coffee shop type service in part of the building and, with this scheme, the assistance that some abutting outdoor seating offers is well made by the Appellant. The social and economic benefits of the appeal proposal add weight to my decision.

Conditions

10. The principal parties have undertaken a degree of dialogue via their statements on the matter of planning conditions and from this I gauge that neither will be surprised or unduly aggrieved by the approach I shall take. That is, in the interests of visual amenity, and as touched on above, to apply conditions relating to the darkening of the roof and the retention of the open-sided nature of the appeal proposal.

Overall conclusion

11. For the reasons given above I conclude that the appeal proposal would not have unacceptable effects on the character and appearance of the host property or the locality. Accordingly, the appeal is allowed.

D Cramond

INSPECTOR