



Appeal Decision

Site visit made on 13 February 2024 by R Dickson BSc (Hons) MSc MRTPI

Decision by John Morrison BA (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 11th April 2024

Appeal Ref: APP/U1105/D/23/333333

1 Cowley Barton Cottages, Cowley, Exeter, Devon EX5 5EL

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a grant of planning permission subject to conditions.
 - The appeal is made by Mr Peter Tyldesley against the decision of East Devon District Council.
 - The application Ref 22/2801/FUL, dated 21 December 2022, was approved on 8 September 2023 and planning permission was granted subject to conditions.
 - The development permitted is first floor extension above existing single storey element.
 - The condition in dispute is No 3 which states that: *Notwithstanding the materials indicated on the approved details, the roof of the extension hereby permitted shall be covered in red clay tiles. No development above foundation level shall take place until samples of the roofing material to be used for the proposed development have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved samples.*
 - The reason given for the condition is: *to ensure that the materials are sympathetic to the character and appearance of the existing building in accordance with Policy D1 – Design and Local Distinctiveness of the Adopted East Devon Local Plan 2013-2031.*
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Decision

1. The appeal is dismissed.

Appeal Procedure

2. The site visit was undertaken by a representative of the Inspector whose recommendation is set out below and to which the Inspector has had regard before deciding the appeal.

Background and Main Issue

3. The appeal building is a semi-detached property in the hamlet of Cowley. There are a few houses of mixed ages and outbuildings round and about, including a church. They are organically positioned along St Andrew's Road. Nos 1 and 2 have a mixed roof covering, with some older red clay tiles on the front and an area of flat bitumen felted roof and some mixed tiles to the rear. It is the rear roof slope and flat roof element that would be replaced through the approved scheme.
4. Condition 3 relates to the materials to be used. The appellant wishes to amend the condition with the effect being to use slate. The principle of the development is not in dispute and was assessed as being consistent with relevant development plan policies. I have observed nothing which would lead me to contradict this conclusion.

5. The main issue is whether condition 3 is necessary and reasonable with specific regard to the effect of the proposed changes on the character and appearance of the area.

Reasons for the Recommendation

6. Cowley Barton Cottages are different to others owing to their roofing material. Despite the rear roof slopes of both Nos 1 and 2 being finished in a mix of materials, the front slopes are the same, ensuring their frontages are harmonious with one another. This contributes positively to the appearance of the street scene.
7. Evidence suggests that Cowley Barton Cottages were originally roofed in slate but, given the red clay tiles on the majority of Nos 1 and 2, requiring the first-floor extension to be finished in the same material would regularise the addition, which would be in keeping with the existing appearance of the pair. Despite slate being a prevailing local material, changing it on just one half of the pair or having slate on the rear and contrasting tiles on the front would lead to a discordance and detrimentally affect the quaint and consistent appearance of the cottages.
8. The appellant has suggested that the property can be re-roofed without planning permission. However, I have not been provided with substantive evidence that this fallback position can and will be implemented. I am also mindful, taking into account the above, that a condition cannot extend to determining what the front roof slope should be finished in. These matters do not therefore carry sufficient weight to change my conclusion.

Other Matters

9. The garden room is roofed in slate. This is a contextually smaller building positioned at the end of the garden, some distance from the dwelling and thus clearly separate and distinct from its host. This has not therefore set a precedent on the plot for all new additions to be roofed in slate.

Conclusion and Recommendation

10. The proposed amendments to the roofing material would harm the character and appearance of the area. It would be contrary to Policy D1 of the East Devon Local Plan 2013-2031, which seeks to ensure the fenestration and materials of buildings relate well to their context. Consequently, condition 3 is both reasonable and necessary, and should therefore remain. I thus recommend the appeal be dismissed.

R Dickson

APPEAL PLANNING OFFICER

Inspector's Decision

11. I have considered all the submitted evidence and my representative's report and on that basis the appeal is dismissed.

John Morrison

INSPECTOR