

Appeal Decision

Site visit made on 10 September 2024

by R Gee BA (Hons) Dip TP PGCert UD MRTPI

an Inspector appointed by the Secretary of State

Decision date: 20 September 2024

Appeal Ref: APP/F3545/W/23/3333478

4 Upper North Street, Hundon, Suffolk CO10 8EF

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a grant of planning permission subject to conditions.
 - The appeal is made by Jane Morse against the decision of West Suffolk Council.
 - The application Ref DC/23/1402/VAR was approved on 7 November 2023 and planning permission was granted subject to conditions.
 - The development permitted is described as variation of condition 2 of DC/21/1588/HH to replace drawing 4505-02-P3 with 4505-02-P7.
 - The condition in dispute is No 2 which states: The cladding on the existing porch shall be removed within six months of the decision date and replaced with render, in accordance with the approved plans.
 - The reason given for the condition is: To safeguard the character and appearance of the area, in accordance with policy DM2 of the West Suffolk Joint Development Management Policies Document 2015, Chapter 12 of the National Planning Policy Framework and all relevant Core Strategy Policies.
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Decision

1. The appeal is allowed and planning permission Ref DC/23/1402/VAR for Householder planning application - a. front porch b. rear part two storey and single storey extensions (following demolition of existing extensions) at 4 Upper North Street, Hundon, Suffolk CO10 8EF granted on 7 November 2023 by West Suffolk Council is varied by deleting condition Nos 1 and 2 and substituting condition 1 as follows:
 1. The development hereby permitted shall be carried out in accordance with the details shown on the following approved plan:
Proposed plans and elevations 4505-02-P4

Preliminary Matters

2. In allowing the appeal I have used the description of development given on the original planning permission as this more accurately describes the proposal.
3. At my site visit I observed the cladding, that is in dispute, to be *in situ*.

4. Since the determination of this application, a revised National Planning Policy Framework (the Framework) was published on 19 December 2023 and updated on 20 December 2023. Those parts of the Framework most relevant to this appeal have not been amended.
5. In addition, on 30 July 2024 the Government published a consultation on proposed reforms to the Framework and a written ministerial statement. While these proposed changes can only be given limited weight at this stage, those parts most relevant to the appeal are not proposed to be amended. As a result, I consider that there is no requirement for me to seek further submissions in respect of these matters, and I am satisfied that no party's interests would be prejudiced by my taking this approach.

Background and Main Issues

6. The Council has granted planning permission for a front porch and rear extensions. That permission included condition No 2 that requires the cladding on the existing porch to be removed within six months of the decision date and to be replaced with render. The justification given by the Council is to safeguard the character and appearance of the area. The appellant seeks to have this condition removed.
7. Taking the above into account, the main issue is whether condition No 2 is reasonable and necessary having regard to the effect of the proposal on the character and appearance of the area.

Reasons

8. The appeal site comprises a two-storey semi-detached dwelling. It is set within a row of residential properties, located behind a deep grass verge and service road. A tall conifer hedge forms the front boundary of the appeal site.
9. At my site visit I observed variation in the scale, design and architectural detailing of the front elevation of the dwellings in the vicinity of the appeal site. There is no overwhelming uniformity in the materials of construction or porch design.
10. The cladding is limited to both side elevations of the porch and to a narrow panel either side of the door on the front elevation. The external finish of the porch would not be an incongruous addition to the streetscene. Whilst I did not observe the use of similar dark cladding on adjacent properties, I recognise similar weatherboarding is reflective of some of the materials used in developments within the wider locality.
11. Furthermore, given the positioning of the porch set back from the service road, and retaining a driveway and landscaped garden in the intervening space, the proposal would not be dominant in the streetscene.
12. Although a conifer hedge currently screens the front elevation of the dwelling landscaping can rarely be relied upon in the long term with regards to its maintenance, retention and survival. Nevertheless, in any event I find the proposal would be acceptable within the streetscene.

13. For the reasons set out above, I conclude that the development would not have a harmful effect on the character and appearance of the area. Accordingly, I find no conflict with Policy DM2 of the West Suffolk Joint Development Management Policies Document 2015, which requires proposals to respect the character, scale and design of existing dwellings and the wider surrounding area or those principles of the Framework that seek good design and is sympathetic to the local area. I therefore conclude that condition No 2 is not reasonable or necessary in the interests of protecting character and appearance.

Other Matters

14. The Council does not raise objections to the rear extensions and Juliet balcony, and I have no reason to disagree.

Conditions

15. As the development has commenced, it is not necessary to impose the standard time limit for commencement.
16. Given my findings above it follows that the plans condition needs to be substituted. I am therefore removing the original plans condition and substituting it to include reference to the amended drawing.

Conclusion

17. For the reasons given above, I conclude that condition No 2 is not reasonable or necessary having regard to character and appearance. I therefore conclude that the appeal should succeed.

R. Gee

INSPECTOR