



Appeal Decision

Site visit made on 13 August 2024

by K Jones BA (Hons) DipLA CMLI

an Inspector appointed by the Secretary of State

Decision date: 27 November 2024

Appeal Ref: APP/U1105/W/24/3341698

Land South of Underhill Close, Lympstone, Devon

Grid reference Easting: 299084, Northing: 83873

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a failure to give notice within the prescribed period of a decision on an application for planning permission under section 73 of the Town and Country Planning Act 1990 (as amended) for the development of land without complying with conditions subject to which a previous planning permission was granted.
- The appeal is made by Mr and Mrs Anthony against East Devon District Council.
- The application Ref is 23/2540/VAR.
- The application sought planning permission for the construction of a single storey dwelling with annexe accommodation without complying with conditions attached to reserved matters permission Ref 22/2410/RES, dated 21 July 2023.
- The conditions in dispute are Nos 1, 8, and 9 which state that:
 - 1) *East Devon District Council as Local Planning Authority HEREBY APPROVE THE FOLLOWING RESERVED MATTERS of the above described development proposed in the application numbered as shown above and in the plans and drawings attached thereto:-*
 - (a) *Appearance*
 - (b) *Landscaping*
 - (c) *Layout*
 - (d) *Scale*

This Reserved Matters application numbered as shown above is made pursuant to the Outline Planning Permission 20/0933/OUT (appeal ref APP/U1105/W/21/3282445) granted on 1st March 2022. The following reserved matters have yet to be approved: None

The following Conditions attached to the Outline Planning Permission (ref 20/0933/OUT) referred to above are discharged in relation to the part of the site covered by this reserved matters application: 1, 2, 4, 6

The following Conditions attached to the Outline Planning Permission referred to above remain to be complied with in so far as they relate to the site covered by application 20/0933/OUT: 5, 7.

8) Prior to first occupation of the dwelling hereby approved, the 1.8 metre high obscured glazing privacy screen to the first floor balcony on the northern elevation of the dwelling shall have been installed in accordance with the details shown on drawing no 1763-P200- REV D. The privacy screen shall thereafter remain in place in perpetuity.

9) The area marked 'void to below' on the first floor plans (ref 1763-P101- REV C) shall not at any time be used internally as first floor living space.
- The reasons given for the conditions are:
 - 1) *No reason given.*
 - 8) *To protect the occupiers of adjoining properties from overlooking and loss of privacy in accordance with policy D1- Design and Local Distinctiveness of the East Devon Local Plan 2013-2031.*
 - 9) *The void is served by a first floor window which could give rise to overlooking and loss of privacy if it were to serve a habitable room, to protect the occupiers of adjoining properties from overlooking and loss of privacy in accordance with policy D1- Design and Local Distinctiveness of the East Devon Local Plan 2013-2031.*

Decision

1. The appeal is allowed and planning permission is granted for construction of a predominantly single storey dwelling with annex accommodation at Land South of Underhill Close, Lymptstone, Devon in accordance with the application Ref 23/2540/VAR, subject to the conditions in the attached schedule.

Preliminary Matters

2. The appeal relates to a planning application that was not determined by the Council within the prescribed period. I note that the Council would have refused planning permission should it have made a decision on the proposal. I have had regard to the parties' submissions in establishing the main issues which I set out below.
3. Part E of the appeal form indicates that the description of the development has not changed from that stated on the application form. However, the description on the application form originally included condition 10 (openings on the north elevation) and 11 (use of the flat roof of the dwelling) in the list of conditions to be varied or removed. Correspondence between the main parties indicates that agreement was reached to omit these last two conditions from the description, and this reflects that used on the appeal form. Accordingly, I have used the amended description from the appeal form in the heading above.
4. Several amended plans were submitted to the Council late in the determination process. On the basis that this appeal was in progress, the Council did not accept the amended plans, and no public consultation was carried out. Although some of these plans accompanied this appeal, it is important that what is considered at appeal is essentially what was considered by the local planning authority, and on which interested people's views were sought. Interested parties have not been given the opportunity to make representations on these changes giving rise to procedural unfairness. I have therefore determined this appeal on the basis of the plans originally submitted to the Council which have been subject to formal public consultation.
5. The appeal relates to a proposal to vary a condition on a reserved matters approval. Such an approval is not a grant of planning permission. A section 73 application seeks permission for development to be carried out without complying with a condition imposed on a planning permission. Therefore, it is not possible to grant a new approval of reserved matters under a section 73 application. If the appeal were to be allowed, the result would be the grant of a new full planning permission, and this is reflected in my formal decision above. The parties have been invited to comment on this matter, and I have taken the comments received into account. For consistency, my formal decision uses the description of the development from the original outline planning permission.
6. The appeal site is within the zones of influence of the Exe Estuary Special Protection Area (SPA) and the East Devon Pebblebed Heaths SPA and Special Area of Conservation (SAC) (the European Sites). These European Sites are afforded protection under the Conservation of Habitats and Species Regulations 2017 as amended (the Habitat Regulations). It is incumbent upon me as competent authority to consider whether the proposal would be likely to have a significant effect on the integrity of the European Sites. I have sought

further information about the potential effects on these sites and methods of mitigation, and have had regard to the responses received.

Background and Main Issues

7. Outline planning permission was granted at appeal¹ for a predominantly single storey dwelling with annexe accommodation in 2022, subject to a number of conditions relating to the reserved matters, detailed landscape proposals, a restriction on the use of the annexe accommodation, final finished floor levels, and adherence to the Preliminary Ecological Appraisal. Approval was subsequently granted² in 2023 for the remaining reserved matters under the outline planning permission. A number of further conditions were imposed, including condition 1 which required that the development is carried out in accordance with the plans attached to the reserved matters approval, condition 8 which required a privacy screen to be installed to the first-floor balcony, and condition 9 which restricted the first-floor use of a specific area of the dwelling. Both conditions 8 and 9 were attached to protect the occupiers of adjoining properties from overlooking and loss of privacy.
8. The appellants are now seeking to make a number of changes to the proposal including amendments to the size and position of the first-floor element, omitting the basement, amendments to the external materials palette, provision of photovoltaic panels to the flat roofs, an integrated garden and bike store, provision of a domestic lift, and internal layout reconfiguration. An amended set of plans have been produced to illustrate these changes. The appellants originally sought to vary conditions 1, 8, and 9, updating the plan references to the amended plans submitted with the application. However, their appeal statement is clear that the desire is to delete conditions 8 and 9 on the basis that they are unreasonable and unnecessary. The Council's evidence addresses both the effect of the amended design along with its view on whether the disputed conditions are reasonable and necessary. As such, I have proceeded to consider the conditions on this basis.
9. I therefore consider the main issues to be:
 - the effect of the variation of condition 1 on the character and appearance of the area;
 - whether conditions 8 and 9 are reasonable and necessary in the interests of the living conditions of neighbouring occupiers at 3 and 8 Underhill Close and Highfield, with particular regard to privacy; and
 - the effect of the proposal on the integrity of the European Sites.

Reasons

Character and appearance

10. Underhill Close comprises a series of detached chalet bungalows on rising ground at the southern periphery of Lymptstone. Adjacent to the appeal site to its east, Highfield is a large, two storey dwelling. Alongside Highfield, a new-build dwelling has been constructed further to the east, and two further dwellings have recently been consented³. Alongside varied buildings on

¹ Application reference 20/0933/OUT and Appeal reference APP/U1105/W/21/3282445

² Application reference 22/2410/RES

³ Application reference 24/0674/FUL

Highcliffe Close and Sowden Lane to the west, this line of mixed residential development marks the southern edge of the settlement. The appeal site and land to its south lie within the Green Wedge; a locally designated area which seeks to protect the Lympstone from coalescence with Exmouth, and retain the settlement's identity.

11. The approved scheme for the appeal site would comprise a large footprint dwelling forming a corner between Highfield and 8 Underhill Close. Its flat roof form would be predominantly single storey, with a two-storey feature element located to the south-western corner. The dwelling would be predominantly clad in textured grey brick, with the southern and western elevations of the first floor faced in timber cladding.
12. In the amended scheme, the building's ground floor footprint would be largely unaltered. The overall height of the dwelling would be increased by approximately 200mm, along with the addition of a chimney to one end of the two-storey element and solar panels to the first-floor roof. The remainder of the physical changes would principally be to the first floor, which would have a larger floor area accommodating a larger open-plan living space, and a larger terrace. The position of the two-storey element would also be sited more centrally within the footprint of the dwelling. Proposed material changes include replacing large proportions of the textured grey brick with stacked natural slate and render, omitting the timber cladding, and introducing feature panels in red-toned powder-coated metal.
13. The Council's principal concerns in relation to this main issue relate to the effect of the proposed changes on the visual prominence of the dwelling and its effect on local character and distinctiveness in the Green Wedge. It points out that the scale of the first-floor element and its associated terrace, alongside the use of lighter timber cladding were the product of significant work and negotiation between the Council and the then applicant to achieve an acceptable design. However, I must judge the proposed scheme on its own merits, with the approved scheme as a fall-back position, representing an important material consideration. While plans were also submitted with the outline planning application, these are not before me, and design details of the dwelling were not approved as part of that permission. Any indication of the building's scale or appearance from the outline stage is therefore limited to its description as a 'predominantly single storey dwelling' with a 'low-profile design'.
14. The proposed dwelling would be visible from a footpath to the east, along with filtered views from an area of open space to the south-west. There are also likely to be distant views for recreational users of the Exe Estuary, and from higher ground in and around the western extents of Exmouth. In such views, there is a clear built context for residential development. Built and consented modern housing in proximity to the site, including the approved scheme, alongside more traditional dwellings establish a mixed character of residential development on the edge of the settlement.
15. There is disagreement between the parties over the proposed size increase in first floor area. Whichever figure is used, I consider the increases shown to the two-storey element to be modest, and unlikely to result in a perceptible increase in massing or prominence when seen from the surrounding area, particularly given the distance and filtered nature of available views. The

extended terraced area also adds very little to the visual mass of the dwelling. Similarly, the proposed chimney would be a small feature which would not significantly alter the perception of the low-profile dwelling. The proposed solar panels on the first-floor roof are shown on the proposed elevations as flat or at a slight angle, thereby resulting in a very limited change to the external appearance of the dwelling.

16. The altered position of the first-floor element would not increase the building's massing or prominence in wider views. Locally, views southwards from Underhill Close are currently curtailed by vegetation and banking surrounding the site. The approved scheme would significantly restrict views southwards, forming a large mass of development on the skyline. While the proposed centralised first floor element would result in a noticeable change in composition of these views, it would not curtail or otherwise shorten them to a more significant degree than the approved scheme.
17. Overall, despite the proposed changes, the amended scheme would represent a different, but architecturally coherent design. It would still be predominantly single storey, and would maintain a low profile, sitting substantially below the ridge and chimney of Highfields. Its overall scale and massing would not be incongruous in the context of dwellings of varied scales and styles on the settlement edge. As such, in considering the fallback position of the approved scheme, the proposed changes to the form of the dwelling would not be unduly prominent or uncharacteristic in this location, and would not harm the character or purposes of the Green Wedge.
18. With regard to the proposed materials, natural stone walls are a distinctive feature of Lympstone, predominantly in grey limestone with occasional red sandstone. In principle therefore, the use of natural stone within the materials palette of the dwelling would reflect locally appropriate materials. However, the detail proposed as 'stacked slate' would result in a much darker, flatter tone than the variety in stone size and colour of the natural limestone and sandstone walls prevalent locally. With regard to the metal cladding, while 'pigmento red' appears to be a fairly muted red tone, it would contrast with the slate as a further large expanse of flat colour. While local visibility is limited, the large expanses of flat and uncharacteristic materials would be a prominent and harmful change from the approved scheme. As such, details of external materials would need to be agreed, to provide finishes that are more locally appropriate in colour, tone, and texture. The appellants have indicated their acceptance of a condition in this regard.
19. Accordingly, subject to a condition securing details of external materials to be agreed, the proposed amended design would not increase the visual prominence of the dwelling or detract from local distinctiveness, and would have an acceptable effect on the character and appearance of the area. The proposal would therefore accord with Strategy 7 and Policy D1 of the East Devon Local Plan (2016) (the Local Plan). Together, amongst other things, these policies seek to achieve development which would not harm the distinctive landscape, amenity, and environmental qualities within which it is located, respecting the key characteristics and special qualities of the area. Policy D1 also seeks to ensure that the scale, massing, height, fenestration, and materials of buildings relate well to their context.

20. Although not referred to in its reason for refusal, the Council also finds harm to the Green Wedge, as protected by Strategy 8 of the Local Plan, and Policy 3 of the Lymington Neighbourhood Plan (2015). For my reasons above, the proposed amended design would accord with these policies in so far as they seek to preserve the individual identity of the settlement, and avoid harm to the character of the Green Wedge.

Living conditions

21. The appeal dwelling lies at the end of Underhill Close, south of 3 and 8 Underhill Close, and west of Highfield. It would be positioned to the north-east corner of the site, relatively close to the shared boundaries of, and broadly level with the neighbouring properties.
22. Condition 8 refers to a 1.8m high privacy screen to the first-floor balcony on the northern elevation of the dwelling. While I acknowledge the appellants' view that there isn't a balcony on the north elevation of the dwelling, part of the first-floor terrace proposed would wrap around the property, creating an aspect to the north. This new area of first-floor terrace would lie directly opposite the balcony, large dormer, and principal first floor outlook of No 8. While there would be a reasonable distance between the two properties, I have not been presented with any specific guidance on distances to provide adequate privacy between facing first-floor amenity spaces.
23. Without adequate screening, the evident provision of important and usable amenity space at first floor level for both dwellings, and the direct nature of the visual relationship between them would result in harmful effects on the privacy of neighbouring occupiers at No 8. As such, subject to revised wording, in securing an appropriate privacy screen between the two properties, condition 8 remains reasonable and necessary in the interests of the living conditions of neighbouring occupiers at No 8 with regard to privacy. I am also satisfied that the condition would be precise, relevant to planning and to the development permitted, enforceable, and would be necessary for the proposal to accord with Policy D1 of the Local Plan. Amongst other things, this policy requires that proposals do not adversely affect the amenity of occupiers of adjoining residential properties.
24. Condition 9 relates to an area marked as 'void to below' on the first floor plan, and seeks to prevent the use of the area as first floor living space. The location and form of this space has changed on the amended plans, and it is now sited away from the rear wall of the property, adjacent to a staircase and gallery facilitating views down towards the internal entrance courtyard. The window is located centrally within the first-floor element of the building, offset from the elevations of No 3 and No 8.
25. Any available views from this space towards the neighbouring dwellings and their external spaces would therefore be oblique, set back from the window, and at a considerable distance from the neighbouring properties. As such, while it may be possible to carry out internal alterations in the future to facilitate access to this space, doing so would not cause harmful effects on the privacy of neighbouring occupiers at No 3 or No 8. I therefore conclude that condition 9 is not reasonable or necessary in the interests of the living conditions of neighbouring occupiers, with regard to privacy. As such, without condition 9, the proposal would not be contrary to Policy D1 of the Local Plan.

European sites

26. The appeal site lies within the respective zones of influence for the European Sites. The qualifying features for the Exe Estuary SPA are its overwintering populations of Avocet and Slavonian Grebe, regularly occurring migratory species, and assemblage of wintering waterfowl. Those of the Pebblebed Heaths SPA and SAC are its north Atlantic wet heaths, European dry heaths, and the populations of southern damselfly. It also regularly supports 2.4% of the UK population of breeding nightjar and 8% of the UK population of breeding Dartford warbler.
27. The South-East Devon European Site Mitigation Strategy 2014 (SEDESMS) recognises that new dwellings within 10km of the European Sites will increase the number of local residents who may be drawn to the habitat sites due to their recreational value. As the SEDESMS highlights, a range of recreational activities within the Exe Estuary can result in birds taking flight due to disturbance. A disturbance study found that most flight events were caused by dog walkers, particularly when dogs are off their leads, but walking in general in certain other areas also caused disruption. In the East Devon Pebblebed Heaths, disturbance to birds is also an issue, as is the trampling of heathland, fires, and nitrogen impacts from dog waste.
28. On this basis, there is no dispute between the main parties, nor Natural England (NE), that it cannot be ruled out that the proposal, when considered alone or in combination with other schemes, would have likely significant effects on the features of interest of both European Sites due to increased recreational use of the protected areas.
29. It is agreed by the main parties and NE that to mitigate against such effects, financial contributions should be secured in relation to both sites, pursuant to the SEDESMS. A signed S111 Agreement has been submitted by the appellants, along with a financial contribution. The original outline planning permission was subject to a similar provision. However, as I have described above, if this appeal were to be allowed it would result in a new planning permission. As the S111 allows for the return of the financial contribution in the event that the development is not implemented, a new agreement is necessary for this planning permission, to ensure that a financial contribution towards mitigation is made, regardless of which scheme the appellants choose to implement.
30. The Council has supplied a recent committee report⁴ which demonstrates that such agreements are successfully delivering the SEDESMS. There is no evidence before me to cast doubt on these findings. Moreover, NE has confirmed that it is content that the financial contribution would be effective in terms of mitigating the recreational impacts of the development on the European Sites and avoiding adverse effects on their integrity.
31. I am therefore satisfied, based on the evidence before me, that the S111 Agreement has provided a satisfactory mechanism to enable the delivery of proportionate and relevant mitigation pursuant to the SEDESMS. I therefore find within my Appropriate Assessment that, with the provided mitigation, the proposal would not have an adverse effect on the integrity of the European Sites. It would therefore accord with Strategies 47 and 50 of the Local Plan,

⁴ Strategic Planning Committee Agenda, date of meeting 23rd February 2021

the Habitats Regulations, and the National Planning Policy Framework (the Framework) insofar as they seek to secure the protection of such sites and mitigate any adverse effects on their integrity.

Other Matters

32. Detailed proposals in relation to the entrance gates were approved as part of the reserved matters application. While I have had regard to the interested party concerns regarding the appearance of the gates, there is nothing before me to suggest that changes to the entrance detail are proposed. Accordingly, subject to a condition securing the implementation of the approved plans, it has not been necessary for me to consider this further.
33. Similarly, the size and configuration of windows proposed to the north elevation would be very similar to those approved at reserved matters stage, without any noticeable increase in light spill. In addition, any future installation of an air source heat pump would either be subject to the conditions of permitted development rights in respect of its position and effect on the amenity of the area, or would be subject to planning control. The Council has not raised light or noise pollution as areas of concern, and I see no reason to reach a different conclusion. As such, these are not matters which have been determinative to my decision.
34. Alongside the recent approval of two dwellings on land to the east of Highfield, my attention has been drawn to the Council's resolution to include land to the east of the appeal site as a preferred allocation for residential development. At this early stage of plan preparation, the preferred allocation carries very limited weight. Moreover, as the principle of a dwelling at the appeal site is not in dispute, the potential future presence of residential development on land nearby has little bearing on my considerations of the detailed design of the amended proposal.
35. I acknowledge the appellants' concerns that several of the conditions attached to the reserved matters approval did not, in their view, relate directly to the reserved matters as required by the Planning Practice Guidance (PPG). However, in light of this appeal process having the effect of granting a new, full planning permission, this requirement has not been determinative to my consideration of the conditions above or those in my final decision.

Conditions

36. As I have described above, since it is not possible to vary condition on a reserved matters approval, the effect of allowing this appeal would be to grant a new, full planning permission. Given this is the case, I have sought the parties' views on what conditions would be appropriate in the event that I were to allow the appeal, including any conditions outstanding from the outline planning permission. The Council has supplied a list of suggested conditions, and the appellants have provided comments on these. I have considered these against the PPG and the Framework, and made amendments to improve precision and enforceability as appropriate.
37. As the development has not yet commenced, it is necessary to impose a time limit condition. The PPG confirms that a section 73 application cannot be used to vary the time limit for implementation, which must remain unchanged from the original permission. While this decision results in a new planning

permission, the principle of the proposal is essentially the same as that previously approved. No request to extend the time limit condition has been made, and I see no reason to do so.

38. Accordingly, a condition is attached to clarify that development must commence within the period of two years from the date of approval of the last reserved matter to be approved (application 22/2410/RES, dated 21 July 2023). A condition to ensure compliance with the approved plans is also necessary for the avoidance of doubt and in the interests of proper planning (condition 2). I have added the suite of landscaping plans approved at reserved matters to the list of plans suggested by the Council. I have also reattached conditions attached to the outline approval that remain relevant in respect of the use of the annexe accommodation (condition 3), and adherence to the ecological appraisal (condition 4).
39. Notwithstanding the approved plans, a condition securing details of any external materials of the building and entrance gateway is necessary in order to safeguard the character and appearance of the area and the character of the Green Wedge (condition 5). For the same reason, I have also attached a condition securing the implementation of the landscaping proposals approved at Reserved Matters stage (condition 6). Landscape specification details including the green roofs, gate design, and hardstanding along with maintenance details were approved as part of the reserved matters application. Subject to the implementation of the approved plans, it is not necessary to seek further details of these elements.
40. It is however necessary, in the interests of the privacy of neighbouring occupiers, to preclude the use of the flat roofs of the dwelling as roof terraces or other amenity spaces given their proximity to the shared boundaries of the site with No 3 and No 8 Underhill Close and Highfield (condition 7). For the same reason, as described above, I have also attached a condition securing the installation of a privacy screen to the northern aspect of the first-floor terrace (condition 8).
41. Although the Council has requested 'anti-glare glazing' to be specified, I am satisfied that the visual impact of the dwelling, particularly given the shading proposed to most of the south and south-west facing windows, would not be significantly affected by glint and glare. Moreover, no indication of the type or required standard of 'anti-glare glazing' as treated glass has been provided. As such, this condition would not meet the tests of necessity or preciseness. In addition, although not in its suggested list of conditions, the Council's officer report indicates that the north facing first floor slit window to the centre of the property should be conditioned as obscure glazed in the interests of privacy of neighbouring occupiers. However, as outlined above, I consider the distance and angle of view from the central windows of the north elevation to be sufficient to prevent undue harm to neighbouring privacy. As such, a condition in respect of obscured glazing is not necessary.
42. The Council suggested that some permitted development (PD) rights as detailed in the Town and Country Planning (General Permitted Development) (England) Order 2015 as amended (the GPDO) should be removed by condition in the interests of the character and appearance of the area and the Green Wedge, and to protect the privacy of neighbouring occupiers. The appellants have also indicated that restricting changes to the profile of the

dwelling through roof additions or alterations would also be necessary. The Framework advises that conditions should not be used to restrict national PD rights unless there is clear justification to do so.

43. The scale and position of the dwelling within the site follows the established building line on the edge of the settlement. Its simple outline and low-profile forms part of its character, and even within the conditions and limitations permitted by the GPDO, extension of the property at ground-floor, first-floor, or roof level could add significantly to the footprint and mass of the dwelling, harming the character and appearance of the area. Similarly, buildings within the curtilage of the property permitted by Schedule 2, Part 1 Class E of the GPDO could introduce substantial built form towards the southern periphery of the site, undermining the landscape strategy of the rural and informal southern garden, and affecting the character and appearance of the area. I therefore consider that in this case, there is clear justification to limit permitted development rights in so far as they relate to the enlargement or extension of the dwelling, additions to the roof, and the provision of buildings within the curtilage of the dwelling (conditions 9 and 10).
44. While the appellants have indicated that the addition of solar photovoltaics or solar thermal equipment (as permitted by Schedule 2, Part 14, Class A of the GPDO) should be excluded from restrictions on roof additions, the approved plans would permit the installation of large areas of low-profile solar panels to the building. The GPDO would allow an additional 0.6m height in solar equipment across the roofs of the dwelling, which if implemented to its full extent, could result in a harmful increase in built massing at the site. As such, it would not be appropriate to exclude solar equipment from the restrictions on roof additions.
45. It is also necessary to remove permitted development rights to control the future boundary treatments to the site (condition 11), to ensure the appearance and landscaping of the appeal site, including its boundary hedgerows, are maintained. However, for my reasoning in relation to neighbouring living conditions, and given the limitations and conditions imposed by the GPDO, a separate condition in respect of windows in the north elevation is not necessary.

Conclusion

46. For the reasons given above I conclude that the appeal should succeed in relation to conditions 1 and 9. However, condition 8 is justified, and I therefore grant a new planning permission with the wording of condition 8 amended, alongside conditions as set out in the attached schedule.

K Jones

INSPECTOR

Schedule of Conditions

- 1) The development hereby permitted shall begin no later than the 21 July 2025.
- 2) The development hereby permitted shall be carried out in accordance with drawing nos 1872-P001-REV B (Location Plan), 1872-P010-REV B (Proposed - Site Plan), 1872-P100-REV C (Ground Floor), 1872-P101-REV C (First Floor), 1872-P200-REV C (Elevations (North/South)), 1872-P201-REV C (Elevations (East/West)), 948/01 Rev A (Hardworks Plan), 948/02 Rev A (Planting Plan), 948/03 Rev A (Elevations), and 948/04 Rev A (Details and Notes).
- 3) The annexe accommodation shown on drawing no 1872-P100-Rev C shall not be occupied at any time other than for purposes ancillary to the residential use of the dwelling hereby permitted.
- 4) The development hereby permitted shall be carried out in accordance with the mitigation and enhancement measures contained within the Preliminary Ecological Appraisal prepared by Colin N Wills dated 11 July 2012 and the letter dated 19 March 2020.
- 5) Notwithstanding condition 2, no development above ground level shall take place until details and samples of all external facing materials of the building and entrance gateway hereby permitted have been submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details.
- 6) The development hereby permitted shall be carried out in accordance with the landscaping details submitted to discharge condition 4 of outline planning permission 20/0933/OUT, shown on drawing nos 948/01 Rev A, 948/02 Rev A, 948/03 Rev A, and 948/04 Rev A. The landscaping scheme shall be implemented in the first planting season following commencement of the development, unless any alternative phasing of the landscaping is agreed in writing by the local planning authority, and shall be maintained for a minimum period of 20 years. Any trees or other plants which die within the first 5 years after planting shall be replaced during the next planting season with specimens of the same size and species unless otherwise agreed in writing by the local planning authority.
- 7) Except as indicated on drawing 1872-P101-Rev C, the flat roof areas of the dwelling hereby permitted shall not be used as terraces, balconies, roof gardens or other amenity or sitting out areas.
- 8) Prior to the first occupation of the dwelling hereby permitted, the 1.8m high obscured glazing screen to the northern elevation of the first-floor terrace shall be installed as shown on drawings 1872-P200-Rev C and 1872-P201-Rev C (Materials Key item 6), and shall thereafter be retained.
- 9) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking and re-enacting that Order with or without modification), no extension or enlargement, including additions to roofs, shall be made to the dwelling hereby permitted.

- 10) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking and re-enacting that Order with or without modification) no development permitted by Class E of Part 1 of Schedule 2 to the Order shall be undertaken.
- 11) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking and re-enacting that Order with or without modification), no fences, gates or walls shall be erected on the property boundaries of the dwelling hereby permitted, other than those expressly authorised by this permission.

-- End of Schedule --