



Appeal Decision

Site visit made on 8 April 2025

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

an Inspector appointed by the Secretary of State

Decision date: 07 May 2025

Appeal Ref: APP/J3720/W/25/3358729

Home Farm, Wormleighton Road, London End, Priors Hardwick, Warwickshire CV47 7SL

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant consent, agreement or approval to details required by condition of a planning application.
 - The appeal is made by Mr Jago Toner against the decision of Stratford-on-Avon District Council.
 - The application Ref DISCN/00371/24 sought approval of details pursuant to condition No 5 of planning permission Ref 23/02973/FUL granted on 29 February 2024.
 - The development proposed is rear and side extensions, increased eaves height, increase ridge height, addition of dormer windows together with other renovations.
 - Condition 5: Notwithstanding the details shown on the submitted plans, prior to the installation of any new window as part of the development hereby approved, elevational drawings at a minimum scale of 1:20 and large scale details at a minimum scale of 1:5, including plan and vertical sectional drawings as necessary, of architectural details of any new window to be installed shall be submitted to and approved in writing by the Local Planning Authority. The works shall be carried out in accordance with the approved details.
 - The reason given for the condition is: To safeguard the architectural character and appearance of the building and Conservation Area, having regard to Policy CS.8 of the Stratford-on-Avon District Core Strategy 2011-2031.
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Decision

1. The appeal is allowed and application DISCN/00371/24, is partially discharged. The relevant drawings submitted and approved in relation to consent DISCN/00371/24 are:

022_241120_Home Farm_SK011_PROPOSED WINDOW SCHEDULE 1_Rev05
insofar as it relates to the window schedule only

022_240711_Home Farm_SK012_PROPOSED WINDOW SCHEDULE 2_rev04
PTW Drawing - FlushCasementGUHinge-24mmSGU-20mmBar-1_1-A3
Manufacturer Detail 1:1

PTW Photo 1 Manufacturer Photo Internal

PTW Photo 2 Manufacturer Photo External

PTW Photo 3 Manufacturer Photo External

PTW Photo 4 Manufacturer Photo External

PTW Photo Quote

PTW Technical Drawings Manufacturer Drawing

Preliminary Matters

2. Following submission of the appeal, the revised National Planning Policy Framework (the Framework) was published on 12 December 2024 and updated on

7 February 2025. The parts of the Framework most relevant to the appeal have not substantively changed from the previous version. 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 Issue

3. The appellant had conditional permission for rear and side extensions, increased eaves height, increase ridge height, addition of dormer windows together with other renovations. This appeal follows the refusal by the Council to approve details required by condition No 5 with particular regard to new window details.
4. The main issue is whether the details submitted are sufficient and acceptable to discharge Condition 5, having regard to the condition itself and the reason for imposing the condition.

Reasons

5. Home Farm comprises a substantial two-storey dwelling set back from the highway within extensive grounds, located within the Priors Hardwick Conservation Area (CA). The evidence indicates that the CA derives its significance from its medieval origins. The Council has identified the property as a Non-Designated Heritage Asset that provides a gateway into the village and contributes positively to the significance of the CA, and the adjacent Scheduled Ancient Monument. I have no reason to reach a different view in this respect.
6. The Council's Statement of Case states that the window design details are 'broadly agreed'. The decision notice and statement raise concerns regarding discrepancies between the approved elevation drawings and the elevational plans submitted with the discharge of condition application. They state that the submitted plans do not reflect the approved elevations in several ways. Such changes include (but are not limited to) an increase of the ridge height of the dwelling and alteration to the design of the rear single storey projection.
7. The appellant does not dispute that there are discrepancies between drawing SK011 and the approved drawings. However, the appellant states that drawing number SK011 was provided as a sketch to aid the visualisation of the windows in the context of the wider property. They go on to state that its submission was not a requirement to discharge the condition, and that the Council has refused to discharge the condition on matters unrelated to the design or details of the drawings submitted.
8. I have carefully considered the representations of the Council and recognise its concerns in respect of the discrepancies between the plans. I concur that the discharge of condition process cannot be used to modify development which differs from the approved plans and that this should be addressed through the submission of a separate application.
9. The condition requires elevational drawings at a minimum scale of 1:20 of any new window. Sectional plans of a scale of 1:1 have been submitted to provide sectional details of the proposed timber windows. I am therefore satisfied that a sufficient level of detail has been provided to assess the proposed replacement windows. Furthermore, I am satisfied that the proposed replacement windows would be

similar in appearance to the existing windows and that they would safeguard the historic character of the property. Subsequently, I am satisfied that the proposed windows would preserve the significance of the CA.

10. I am therefore satisfied that the details submitted. in respect of the window details, would meet the requirements of condition 5 and the reasons for it.

Other Matters

11. The evidence indicates that the submitted details do not outline the proposed changes for all of the windows in the property¹. Accordingly, the application relates to a partial discharge of condition 5 only.

Conclusion

12. For the reasons set out above, the appeal is allowed for a partial discharge of Condition 5.

R. Gee

INSPECTOR

¹ With the dormer design to be discharged separately as referenced in the appellants final comments dated 24/03/25