



Appeal Decision

Site visit made on 7 May 2025

by Darren Hendley BA(Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 28 May 2025

Appeal Ref: APP/K3415/D/25/3363856

38 St Johns Hill, Shenstone, Lichfield, Staffordshire WS14 0JD

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission.
 - The appeal is made by Mr. Duncan Mathieson against the decision of Lichfield District Council.
 - The application Ref is 25/00020/FUH.
 - The development proposed was originally described as a '2 storey front extension, addition of render to front and rear elevation and internal alterations'.
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Decision

1. The appeal is allowed and planning permission is granted for a first floor front extension, addition of render to front and rear elevations and various internal alterations at 38 St Johns Hill, Shenstone, Lichfield, Staffordshire WS14 0JD in accordance with the terms of the application, Ref 25/00020/FUH, subject to the following conditions:
 - 1) The development hereby permitted shall be carried out in accordance with drawing no 2023-25-PL-02 Revision 2 Proposed Plans & Elevations.
 - 2) The external surfaces of the development hereby permitted shall be constructed in the materials shown on drawing no 2023-25-PL-02 Revision 2 Proposed Plans & Elevations.

Procedural Matters

2. The description of development in the banner heading above is taken from the planning application form. During the course of the application, the description was changed to a 'first floor front extension, addition of render to front and rear elevations and various internal alterations', as is set out on both the Council's decision notice and the appellant's appeal form. Accordingly, I have considered the appeal on this basis and this description has been used in my decision paragraph.
3. The appellant submitted an amended plan with the proposal which sought to address the Council's reason for refusal. This amended plan removed the proposed render finish to the dwelling and introduced further elevational detailing. It is however not the purpose of the appeal process to evolve a proposal. The render finish is itself a principal matter of dispute between the main parties and so such a proposed amendment would represent a substantial difference and a fundamental change to the application. The proposed amendments would also cause procedural unfairness because there is not the opportunity for the Council or other parties to be consulted on those amendments through the Householder Appeals Service. There would also be a conflict with the operative part of the

description of development. As a consequence, my decision is based on the plans that were before the Council at the time of its decision.

4. It was also evident from my site visit that construction works to the dwelling were already underway, although not complete. While I have not been made aware that the works are anything other than in accordance with the plans that were before the Council, my decision is solely based on those plans.

Main Issue

5. The main issue is the effect of the proposal on the character and appearance of the building and the area, including the setting of Shenstone Conservation Area.

Reasons

6. The appeal property comprises a large detached 2 storey dwelling that is set well back into its plot. It contains a 2 storey gable feature on the left side of its front elevation and prior to the works taking place on site, there was a front projecting single storey feature on its right side. The main exterior wall material is plain brickwork. Aside from the vehicular access point onto the road, the front boundary is defined by mature trees which are the subject of a Tree Preservation Order (TPO). The other residential properties along this road are similarly large and set back on fairly substantial plots, with trees and vegetation along their site frontages. There are a variety of styles and form. While the exterior material of the neighbouring dwellings to the site is also mainly plain brickwork, there are examples of other finishes such as render and painted brickwork.
7. The conservation area boundary lies a short distance to the north of the site, at the junction of St Johns Hill and Holly Hill Road. The nearest part of the conservation area also contains well-proportioned detached dwellings, some of which are period in their style and some are more modern. The church is a dominant feature, as are the mature trees and vegetation along the site frontages which result in a pleasing verdant character. While brickwork is common, again there are also examples of render. The character of where the site is found is therefore not dissimilar to this part of the conservation area and the site lies within its setting.
8. The massing of the proposed first floor extension in forming a further gable on the front elevation of the dwelling would not be dominant due to the already large size of the dwelling and the length of the front elevation. As such, the dwelling would be able to ably accommodate this element of the proposal, even though the extension would be wider than the existing gable. While the extension would project forward of the main front elevation wall, this would not be to the extent that it would not be subservient. It would sit comfortably with the host dwelling and appear as a subordinate feature.
9. As the use of render would not be untypical in this area, it would not be out of character as a complete finish on the front of the property. Render on its rear would not be visible from the streetscene. While the neighbouring properties on either side are finished in brickwork, again it is not uncommon for different finishes on neighbouring properties and this includes render next to brickwork. This variety also adds interest to the local character and so the use of render would not appear visually incongruous. It is acknowledged that it would result in an element of conflict with the Lichfield District Design Code Supplementary Planning Document (2024) (SPD) but, as I have set out, it is a material that forms part of the local

context and this is acknowledged in the SPD, even if it encourages the use of brickwork.

10. The proposal would not be overtly prominent because it would be well set back from the site frontage and due to the appreciable screening afforded by the mature tree canopies on this boundary. Due to the size of these trees, there would likely be some screening afforded by their structure even at times of leaf fall. There would be greater visibility through the access, but this would not be to the extent that it would make the proposal unacceptable. On this basis, the proposal would not be visually intrusive.
11. The proposal would also maintain key elements of the setting to the conservation area in that it would remain as a well-proportioned dwelling and as the mature trees would be retained. They would continue to filter views from the conservation area. The massing and the use of render would also respect the setting, when the size and variety of finishes on the dwellings that lie within the nearest part of the conservation area are considered.
12. The Council has referred to Section 72 (1) of the Planning (Listed Buildings and Conservation Areas Act) 1990. While this statutory provision does not strictly apply to setting, for the reasons that I have set out above, the proposal would preserve or enhance the character or appearance of the conservation area. Nor is there harm to this designated heritage asset which needs to be balanced against public benefits.
13. In taking these factors together, the proposal would constitute good design and make a positive contribution to the character, distinctiveness and visual amenities of the location in the sense that it would not be out of character in these surroundings. In coming to such a view, I have considered the combination of the proposed massing and the render, and the extent to which it would change the dwelling, but this would not be unacceptable.
14. I conclude that the proposal would not have an unacceptable effect on the character and appearance of the building and the area, including the setting of Shenstone Conservation Area. As a result, it would comply with Policies CP1, CP3, CP14 and BE1 of the Council's Lichfield District Local Plan Strategy 2008-2029 (2015), Policy BE2 of the Local Plan Allocations 2008-2029 (2019) and Policy H3 of the Shenstone Neighbourhood Plan 2015-2029 (2016) where they concern a high quality built environment and design, protecting and enhancing character and distinctiveness, and conserving and enhancing the historic environment including conservation areas and not resulting in harm to setting, amongst other matters.
15. The proposal would also accord with the National Planning Policy Framework where it concerns development that is visually attractive and sympathetic to local character, and the desirability of sustaining and enhancing the significance of heritage assets. I have already set out there would be an element of conflict with part of the SPD, but in overall terms there would be broad compliance because the proposal would reflect local character and which is a key purpose of a design code.

Other Matters

16. The appeal site lies within the zone of influence of the Cannock Chase Special Area of Conservation (SAC). The proposal would not have a deemed impact on the SAC as it concerns a householder extension. It would not result in a net increase in dwellings. Hence, there would not be a likely significant effect that would warrant further consideration.

Conditions

17. I have imposed a condition concerning the approved plans in the interests of certainty. I have also imposed a condition concerning the external materials as shown on this plan, in the interests of character and appearance. As development has commenced, I have not imposed a condition concerning its implementation. I have also not imposed a condition concerning the provision of bird and bat boxes as it would not be reasonable and necessary, based on the limited evidence before me.
18. In respect of the protected trees, the Planning Officer Report sets out that conditions can be placed on the works to ensure no root compaction during any construction works, in responding to concerns raised by the Tree Officer. As development has commenced, I provided the main parties with the opportunity to comment on a tree protection condition that included a timetable for action and a 'sanction' for non-compliance in order to be enforceable. The wording was based on a model standard condition which is commonly used where details are required retrospectively.
19. In response, the Council stated that it was the act of materials being brought onto the site which could harm the trees and that If construction works have started, then the potential harm has already taken place and is irreversible. With this clarification and in considering this response, and while the trees appear to have retained their amenity value through the construction works which have taken place, such a condition would not be reasonable and necessary and so I have not imposed it.

Conclusion

20. For the reasons set out above and having regard to all matters raised, the appeal should be allowed, subject to the conditions.

Darren Hendley

INSPECTOR