The Planning Inspectorate

Appeal Decision

Site visit made on 13 April 2021

by R Hitchcock BSc(Hons) DipCD MRTPI

an Inspector appointed by the Secretary of State

Decision date: 15 April 2021

Appeal Ref: APP/B3438/W/20/3262277
12 Mountside Gardens, Leek ST13 6ND

- 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 M Shenton against the decision of Staffordshire Moorlands District Council.
- The application Ref SMD/2020/0384, dated 17 July 2020, was approved on 11 September 2020 and planning permission was granted subject to conditions.
- The development permitted is the retention of orangery and porch.
- The condition in dispute is No2 which states:
  Notwithstanding the details shown on the approved plans and application form and the works which have taken place on site, the orangery extension and porch hereby permitted shall be finished in brick or 'brick slips' to match as closely as possible in colour and texture those on the existing dwelling.
- The reason given for the condition is: To ensure an acceptable finish in the interests of visual amenity.

Decision

1. The appeal is allowed and the planning permission Ref SMD/2020/0384 for the retention of orangery and porch at 12 Mountside Gardens, Leek ST13 6ND, granted on 11 September 2020 by Staffordshire Moorlands District Council, is varied by deleting Condition 2 and substituting for it the following condition:

   2) The external surfaces of the development hereby permitted shall be constructed in the materials as detailed on planning application form ref MD/2020/0384, dated 17 July 2020.

Procedural Matters

2. Planning permission has been granted for the porch and orangery extensions. The appellant wishes to provide rendered blockwork finishes to parts of the external elevations of the extensions. This would conflict with a condition imposed by the Council requiring use of matching brickwork (or brick slips).

3. At the time of my site inspection the extensions had been substantially built; however, the external walls of the rear extension remained unfinished.

Main Issue

4. The main issue is the effect of the development on the character and appearance of the locality.

Reasons

5. The site lies within a planned modern open-plan estate of detached dwellings loosely arranged about a wandering estate road with cul-de-sac offshoots. The

properties show variations in design but have a limited palette of materials and common design elements which result in a homogeneous character. This provides some visual consistency and a sense of identity to the locality.

6. The Council's justification for imposing a condition requiring brick finishes to match the existing dwelling followed concerns over the scale of the extensions and potential for contrasting materials to emphasise their bulk and massing. It was on this basis that it considered a condition requiring the use of matching brickwork met the tests for planning conditions set out in Paragraph 55 of the National Planning Policy Framework (the Framework).

7. The rear extension is designed to provide a modern adjunct to a dwelling which, although of modern appearance, is of traditional form and proportioning. The contrasting box form, high eaves, large openings and roof lantern highlight this aim. The extension is located to the rear where it is barely visible from the site frontage due to its position and limited space between the front elevations of 12 and 14 Mountside Gardens. It thereby plays no active role in the Mountside Gardens streetscene.

8. Furthermore, views from elsewhere are limited on account of the high rear boundary treatments at No12, the screening effect of outbuildings and vegetation, the local topography and the orientation of neighbouring properties. Although glimpses of parts of the extension might be obtainable, it would be difficult to observe it in its entirety to appreciate any significant sense of scale. Views would be to no greater extent or effect than those to the variety of other rear extensions in the locality. Subsequently, I am not persuaded that the interpretation of the overall scale of the extension would give rise to any harm to the character and appearance of the locality if it were finished in render to contrast with the brickwork of the rear elevation.

9. The apex and upper walls of the front porch are timber framed with glazing inserts save for the main entrance, which is open. The solid wall elements to the base of the structure are limited in height and finished in white render. The rendered area of the porch presenting to Mountside Gardens is restrained and is seen in the context of the larger rendered areas of the first-floor bay and gable.

10. Whilst a brighter finish may serve to focus the eye on the main entrance, it does not unduly compete with the scale of other elements of the building's frontage. Although the timber framing is substantial this is offset by the spaces in between. Furthermore, as acknowledged by the Council, the dwelling is located on the outside of a bend in the road and set back from the roadway a greater distance than most. It also lies below the level of the road and behind a convergence of forecourt parking areas such that the degree of prominence of the lower section of the porch is limited.

11. The render applied to the lower wall assimilates with the other rendered elements on the building's frontage and, given its limited area, has little effect on the visual amenity of the porch or its sense of scale. It therefore has a neutral impact on the character and appearance of the area.

12. I acknowledge that the Staffordshire Moorlands District Council Design Guide seeks the careful use of materials. However, the SPD also acknowledges that modern render may be acceptable in certain circumstances – particularly where it reflects the existing palette of materials.

13. For the above reasons, I find no adverse effect arises to the visual amenity of the locality from the use of rendered finishes to the subordinate additive elements. The extensions provide a suitable standard of design and external appearance that integrates with the existing dwelling and character of development in the locality. The development as originally proposed would accord with the requirements of Policies DC1, SS1, SS5 of the Staffordshire Moorlands Local Plan [2020] as they seek design of development to be high quality and respect the surrounding distinctive character of development.

14. Given the above conclusion, I find the specific requirement for the use of matching brickwork in the particular circumstances of the case is not reasonable or necessary. It therefore fails the tests for conditions set out in the Framework. However, to achieve a suitable standard of finish and consolidated appearance, a condition is imposed to require the development to be finished in the materials indicated in the original application. Given the existing status of the works, I do not consider a timescale for completion of the works appropriate or necessary.

Conclusion

15. For the above reasons, the appeal should be allowed.

R Hitchcock

INSPECTOR