
Appeal Decision

Site visit made on 9 March 2016

by D J Barnes MBA BSc(Hons) Dip TP MRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 31/03/2016

Appeal Ref: APP/J0540/W/15/3138407

3 The Nook, Helpston, Peterborough PE6 7DN

- 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 Ian Humphrey against the decision of Peterborough City Council.
 - The application Ref 15/01289/HHFUL, dated 10 August 2015, was approved on 26 October 2015 and planning permission was granted subject to conditions.
 - The development permitted is the erection of a timber garden shed.
 - The condition in dispute is No. C1 which states that: Notwithstanding the submitted information the top 1m of the rear side (north facing) elevation of the shed be painted a dark green colour within 3 months of the date of this permission.
 - The reason given for the condition is: In the interests of the amenities of the occupiers of no. 1 The Nook and the character and appearance of the Helpston Village Conservation Area.
-

Decision

1. The appeal is allowed and the planning permission Ref 15/01289/HHFUL for the erection of a timber garden shed at 3 The Nook, Helpston, Peterborough PE6 7DN granted on 26 October 2015 by Peterborough City Council is varied by deleting conditions C1.

Procedural Matters

2. For reasons of brevity and to reflect the planning permission, the description of development has been adopted from the Council's decision notice.
3. The reason for the condition refers to the Helpston Village Conservation Area but the plan provided only refers to the Helpston Conservation Area. The latter name has been adopted in this appeal decision.

Main Issues

4. It is considered that the main issues are (a) whether the condition is necessary to preserve or enhance the character or appearance of the Helpston Conservation Area and (b) the effect of removing the condition on the living conditions of the occupiers of 1 The Nook.
-

Reasons

Character and Appearance

5. The development, which has been undertaken, comprises the erection of a wooden shed within the garden of 3 The Nook. As might be expected with a recently erected outbuilding, there is a starkness about the current appearance of the Scottish larch but, as noted by the appellant, this is a temporary occurrence and will reduce overtime because of weathering. However, the disputed condition seeks the painting of the top 1 metre of the shed's rear elevation in a dark green colour.
6. Based upon the available information and map, the shed is located within, rather than adjacent to the boundary of, the Helpston Conservation Area. There is a statutory duty to pay special attention to the desirability of preserving or enhancing the character or appearance of Conservation Areas. The duty is echoed in Policy CS17 of the Peterborough Planning Policies Development Plan Document (DPD) and Policy PP17 of the Peterborough Core Strategy Development Plan Document (CS). The Council has referred to DPD Policy PP02 which also includes development not having a detrimental effect on the character of the area.
7. The Conservation Area is principally characterised by stone buildings which front the roads extending from a crossroads within the centre of the village. There are a mix of styles of mainly residential properties with variations in roof forms. There are views in some locations from the roads toward the rear of properties but these are limited by both boundary walls and hedges.
8. By reason of its siting, the top part of the shed protrudes above the stone wall boundary with 1 The Nook but a trellis has now been erected which limits views from Glinton Road. These views are further screened by the boundary between No. 1 and the road. The same considerations apply to views from Maxey Road. More distant views from elsewhere along Glinton Road are screened by the outbuilding within the garden of No. 1 and the dwellings which are currently being constructed on an adjacent site.
9. The top part of the shed's rear elevation is visible and would remain visible whether or not it was either painted dark green or the wood weathered overtime. However, the shed is not a particularly prominent feature from the available viewpoints along the adjacent roads. It is not uncommon for sheds and other outbuildings to be seen within the context of rear gardens, whether they are located within or adjacent to Conservation Areas. Further, the shed is viewed against the context of the adjacent outbuildings and the other residential properties. As it has been constructed, the shed is a neutral feature within the Conservation Area and there is no necessity for it to be partially painted dark green. This judgement applies whether or not the existing trellis above the boundary walls was retained or removed.
10. For the reasons given, it is concluded that the without the condition the appeal scheme preserves the character and appearance of the Helpston Conservation Area and, as such, does not conflict with CS Policy CS17 and DPD Policies PP02 and PP17 and the National Planning Policy Framework's (the Framework) heritage policies and core principle of securing high quality design.

Living Conditions

11. The reason for the disputed condition refers to the painting of the shed being required for the amenities of the occupiers of No. 1. However, whether or not the shed is painted the top part of the rear elevation will still be seen from part of the rear garden. From the rear windows of No. 1 and elsewhere within the rear garden, views of the appeal scheme are restricted by an existing outbuilding. The shed is not, therefore, an overbearing form of development which conflicts with DPD Policy PP03.
12. Overall, the painting of the top part of the shed green would not materially change the outlook for the occupiers of the neighbouring property. This judgement applies whether or not the existing trellis was retained or removed. Accordingly, on this matter, it is concluded that without the condition the development does not cause unacceptable harm to the living conditions of the occupiers of 1 The Nook and, as such, it does not conflict with DPD Policy PP03 and the Framework's core principle of securing a good standard of amenity for all existing and future occupants of land and buildings.

Conclusion

13. For the reasons given, and taking into account the tests identified in the Framework and the National Planning Practice Guidance, it is concluded that condition C1 is unnecessary and this appeal should succeed.

D J Barnes

INSPECTOR

This page is intentionally left blank