



Appeal Decisions

Site visit made on 6 March 2024

by R J Redford MTCP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 19 March 2024

Appeal Ref: APP/W1715/W/23/3330474

25 Southern Road, West End, Hampshire SO30 3ES

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant 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 J Martin against the decision of Eastleigh Borough Council.
 - The application Ref is X/23/95259.
 - The application sought planning permission for the erection of a detached four-bedroom dwelling and detached garage following demolition of the existing dwelling without complying with a condition attached to planning permission Ref F/21/91036, dated 12 October 2021.
 - The condition in dispute is No 2 which states that: *The development hereby permitted shall be implemented in accordance with the following plans numbered: PL/01, PL/02, PL/03, PL/04, PL/05, PL/06 REV A, PL/07.*
 - The reason given for the condition is: *For the avoidance of doubt and in the interests of proper planning.*
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Decision

1. The appeal is allowed and planning permission is granted for the erection of a detached four-bedroom dwelling and detached garage following demolition of the existing dwelling at 25 Southern Road, West End, Hampshire SO30 3ES in accordance with the application Ref X/23/95259, without compliance with condition number 2 previously imposed on planning permission Ref F/21/91036 dated 12 October 2021 and subject to the following schedule of conditions.

Applications for costs

2. An application for costs was made by Mr J Martin against Eastleigh Borough Council. This application is the subject of a separate decision.

Procedural Matters

3. Although the change in cladding had not occurred when the application to vary the condition was submitted, it has since been installed. On visiting the site, I am satisfied the plans represent that which has been built.
4. I have also been appointed to determine another appeal (Ref: APP/W1715/W/23/3330473) on this site. I have, however, dealt with it on its own merits in a separate decision, although appreciate several issues are similar.
5. The National Planning Policy Framework (the Framework) was updated in December 2023. The sections pertinent to this appeal have not changed to

such an extent as to affect the matters raised by the main parties. It has not therefore been necessary to seek their views, although the revised version has been referenced in this decision.

Background and Main Issue

6. The appellant has sought to amend condition 2 of the approved scheme to replace plan PL/04 with PL/04 A to reflect the change in Hardie Plank weatherboard cladding colour from pearl grey to anthracite grey. The Council consider the change in cladding colour to be visually unacceptable in relation to the street scene.
7. Therefore, the main issue is the effect that varying the condition would have in relation to the character and appearance of the street scene.

Reasons

8. The appeal site is located on Southern Road opposite the junction with Eastern Road within a suburban residential area. The properties in this area are generally traditional in form and finished in a varied mix of materials. These include brick, render, painted brick, cladding, hung tiles and pebble dash. In general, the colours of these materials vary from very pale to darker greys, with the bricks and tiles predominantly reddish-brown in colour. The varied finishes of the properties, along with the verdant front boundaries provide a generally pleasant character to the street scene. Accordingly, the area's appearance is related more to the traditional form and relationship of the properties with the road, rather than the individual properties aesthetics or a specifically narrow colour pallet.
9. It is however noted that a lot of the properties have been finished in 2 main materials and/or colours split horizontally between the upper and lower floor. The new dwelling follows this pattern with the lower floor finished in multi brick and the upper floor clad. The previously approved colour for the cladding was pearl grey which would have been considerably lighter than the anthracite grey used.
10. It is appreciated that where there is an obviously different colour between the upper and lower finish on an individual property, then often the upper part is lighter. However, this is not so common as to dominate the street scene and it is the variety of finishes and individual detailing which enhances the area. An example of which is adjacent to the new dwelling, 23 Southern Road, where the upper part of the property is hung in dark reddish tiles and the lower half is painted white.
11. Accordingly, I do not consider that the darker upper part of the new dwelling would be so detrimental as to be harmful to its character and appearance of the street scene. It would still follow the main characteristics of the area, by splitting the materials horizontally across the upper and lower floor, and the anthracite grey, in my mind, forms part of the wider colour mix found within the locality.
12. It is also noted that the new dwelling has replaced a building which was green and salmon pink, both colours not common in the street scene but considered by the Council to be akin to the red brick. In the same context the dark grey is akin to the other darker materials use in the area including the pebble dash and dark grey roof tiles. Further to this when viewed directly from Eastern

Road the dark grey colour has a recessing effect on the upper part of the new dwelling when viewed in context of the dark shades of the woodland behind.

13. Consequently, I find that varying condition 2 would not have an unacceptable impact on the character and appearance of the street scene. It would comply with Policy DM1 of the Eastleigh Borough Local Plan insofar as it requires new development to take proper account of the site's context.

Other Matters

14. Interested parties have raised concerns in relation to the size and positioning of the new dwelling, and the timing of when the cladding was installed. The application and subsequently this appeal have been made under section 73, therefore I can only consider the disputed condition as set out in the main issue.

Conditions and Conclusions

15. I will grant a new planning permission with the amended condition, as set out in the main issue, but retain those non-disputed conditions from the previous permission that appear still relevant. As the new dwelling has been built I found it necessary to update 4 conditions.
16. I have removed the condition relating to the timescale for starting development and altered the plan references in conditions 1 and 5 to reflect the new plan submitted as part of this appeal. I have also amended the conditions relating to arboricultural details and materials as these have been discharged under the original planning approval.
17. For the reasons given above, I conclude that the appeal should be allowed.

RJ Redford

INSPECTOR

SCHEDULE OF CONDITIONS

- 1) The development hereby permitted shall be implemented in accordance with the following plans numbered: PL/01, PL/02, PL/03, PL/04 A, PL/05, PL/06 REV A, PL/07.
- 2) Excavation, demolition or development related to the development hereby approved shall be undertaken in accordance with the arboricultural details approved through the discharge of condition 3 of planning application F/21/91036.
- 3) The external materials to be used in construction of the external surfaces shall be limited to:
 - Weatherboard – Hardie Plank in Anthracite Grey;
 - Brick - Wienerberger Colorado multi brick;
 - Roof Tile - SIGa Sherwood clay plain tiles;
 - Window - anthracite grey; and
 - Guttering – Black.

- 4) No additional or altered windows shall be constructed in the first floor elevations of the development hereby approved.
- 5) The first floor rooflights on the side elevations of the replacement dwellinghouse and as shown on approved drawing no: PL/04 A I shall be positioned at least 1.7 metres above the floor of the room in which they are installed.
- 6) The development shall be carried out in accordance with the specifications in the European Protected Species License and the recommendations for mitigation and enhancement as set out within the submitted Ecological Assessment Report by ABR (v 2.0, September 2021).
- 7) No construction, demolition or deliveries to the site shall take place during the construction period except between the hours of 0800 to 1800 Mondays to Fridays or 0900 to 1300 on Saturdays and not at all on Sundays or Bank Holidays.
- 8) No burning of materials obtained by site clearance or any other source shall take place during the demolition, construction and fitting out process.

END OF SCHEDULE