

COMMITTEE REPORT

APPEAL UPDATE

DECISIONS RECEIVED:

APPEAL REF: APP/X1355/C/12/2180104

LPA REF: ENF6/2011/032

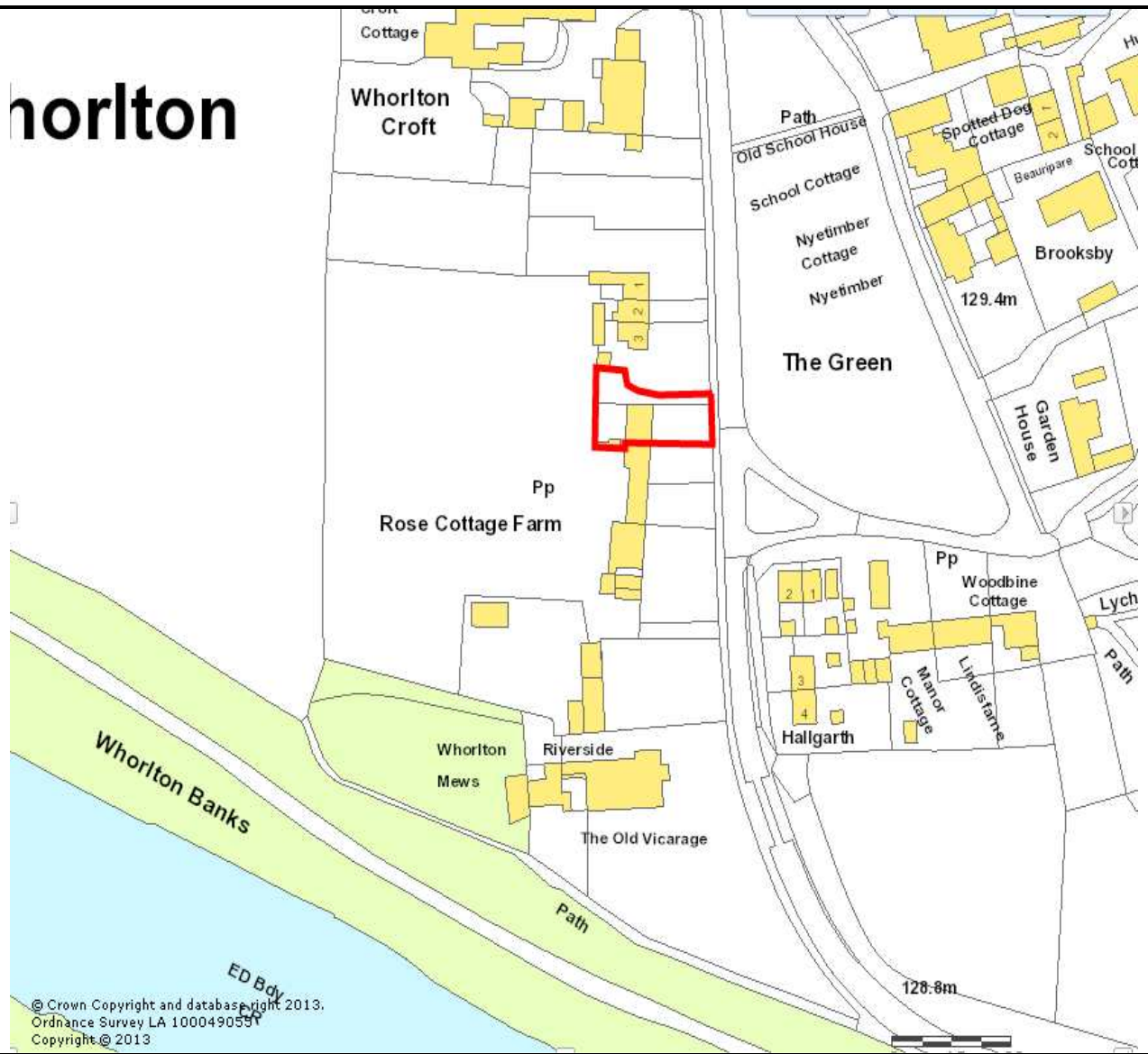
APPEAL AGAINST THE ISSUE OF AN ENFORCEMENT NOTICE RELATING TO THE UNAUTHORISED ERECTION OF A SUN ROOM/CONSERVATORY AT "THE COTTAGE", THE GREEN, WHORLTON, BARNARD CASTLE, CO DURHAM DL12 8XE


1. This appeal relates to an Enforcement Notice served by the Council against an unauthorised sun room/conservatory on the rear of the property which was not built in accordance with a 2007 planning permission. Prior to serving this notice, a retrospective planning application to retain the development with minor modification was refused by the Local Planning Authority on 1 June 2012 (6/2012/0095/DM) and the decision upheld on a subsequent appeal.
2. The enforcement notice appeal was **dismissed, the enforcement notice was upheld without amendment, and the "deemed application on appeal" was refused**. In arriving at the decision, the Inspector considered the following issues:
3. The Inspector found that the conservatory as constructed is much heavier and bulkier in appearance than the scheme approved, incorporating thicker glazing bars, transoms and mullions, as well as solid stonework, together with a sizeable picture window topped with a cartwheel shaped fanlight and smaller clerestory windows on either side above the stonework. Moreover instead of an asymmetric roof to match the adjoining extension an even pitched roof has been provided with plastic ornamentation along the ridgeline. From open rear views the conservatory appears an incongruous and visually jarring addition to the simple stone building. The unsympathetic and visually bulky conservatory detracts significantly from the traditional scale, design and materials of the buildings in this area of the village.
4. The development conflicts with Local Plan Policy GD1, which seeks a high standard of design, and Policy BENV4 which requires development within a Conservation Area to respect the quality and character of the Area in its design, layout and materials. The NPPF places great emphasis on high quality design and draws attention to the statutory duty to pay special attention to the desirability of preserving or enhancing the character or appearance of Conservation Areas. The development undertaken fails to meet any of these requirements.
5. The Inspector concluded that the development materially harms both the character and appearance of the host building and that of the surrounding part of the Whorlton Conservation Area and the appeal under ground (a) that planning permission should be granted is dismissed.
6. With regard the appeal on ground (g) that the period of time to comply with the enforcement notice is not reasonable, the Inspector concluded that the period specified was reasonable and proportionate given the visual harm identified, and the appeal under ground (g) was dismissed.
7. No costs applications were made.

RECOMMENDATION

8. That the decision is noted.

Whorlton



 <p>Durham County Council</p> <p>Planning Services</p>	<p>Erection of a sun room/conservatory on the rear of The Cottage, The Green, Whorlton Co Durham</p>	
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	<p>Date 21 February 2013</p>	<p>Scale</p>