



Appeal Decision

Site visit made on 10 May 2010

by David Murray BA (Hons) DMS MRTPI

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

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**Decision date:
25 May 2010**

Appeal Ref: APP/R1845/A/10/2121865

Apartment 1, Orion Place, Sion Gardens, Stourport-on-Severn, DY13 8BG.

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
- The appeal is made by Peter and Diane Gallagher against the decision of Wyre Forest District Council.
- The application Ref. 09/0680/FULL, dated 21 September 2009, was refused by notice dated 19 November 2009.
- The development proposed is the erection of a conservatory.

Decision

1. I allow the appeal, and grant planning permission for the erection of a conservatory at Apartment 1, Orion Place, Sion Gardens, Stourport-on-Severn, DY13 8BG, in accordance with the terms of the application, Ref. 09/0680/FULL, dated 21 September 2009, subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than three years from the date of this decision.
 - 2) The development hereby permitted shall be carried out in accordance with the details set out in the application form and the following approved plans:

Drawings: 402791/MAPS; 402791/FP; 402791/EP

Main issue

2. The main issue is the effect of the proposed conservatory on the character and appearance of the original building and the local townscape.

Reasons

3. The site lies in an area of mixed development to the west of the town centre and the property is a ground floor flat in a three storey building which has been converted into residential apartments from its previous use as a telephone exchange. The building has cream painted stone work on the ground floor elevation at the front but otherwise has brick elevations and white metal frame windows which include 'Juliet' balconies at first floor and above. It is proposed to form a single storey conservatory outside the lounge window and make use in part of the existing low brick wall around the patio area.
4. The existing building is of a substantial bulk and its flat roof design, general proportions, and vertical windows reflect its previous commercial use. However, in my judgement the new residential use is now apparent because of the introduction of some more domesticated fenestration. Further, the location

of the proposed conservatory is at the side of the building in a space which is substantially enclosed by a high brick wall opposite some parking spaces. In my view, the proposed conservatory would not be prominent to the public realm as, visually, it would be 'tucked away' from the main street scene. As the modest structure above the existing dwarf wall would be mostly glass set in a white frame, and therefore largely transparent, I do not regard this as harming the character or design of the existing building. Accordingly, I am satisfied that the proposal meets the requirements of Policies D.1, D.3 and D.17 of the Wyre Forest District Adopted Local Plan, in terms of the quality of the design and impact on its surroundings.

5. Although not a matter raised by the Council, I am advised that a Black Mulberry tree which grows near the site is protected by a Tree Preservation Order, however, I am satisfied that the proposed conservatory is far enough away from the tree so as not to threaten its future well-being directly or indirectly.
6. In terms of conditions, it is necessary that the development shall be carried out in accordance with the approved plans and details included on the application form, for the avoidance of doubt and in the interests of proper planning.
7. For the reasons given above and having regard to all other matters raised, I conclude that the appeal should be allowed.

David Murray
INSPECTOR