The Planning Inspectorate

Appeal Decision

Site visit made on 22 November 2016

by I Jenkins BSc CEng MICE MCIWEM

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

Decision date: 30 December 2016

Appeal Ref: APP/B3438/W/16/3158072
123 Tunstall Road, Knypersley, ST8 7AA

- 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 Mr C Critchlow against the decision of Staffordshire Moorlands District Council.
- The application Ref SMD/2016/0233, dated 9 April 2016, was refused by notice dated 1 June 2016.
- The development proposed is demolition of existing dwelling and associated outbuildings. Formation of new site access and erection of 7 no. detached dwellings.

Decision

1. The appeal is dismissed.

Application for costs

2. An application for costs was made by Mr C Critchlow against Staffordshire Moorlands District Council. This application is the subject of a separate Decision.

Main Issues

3. I consider that the main issues in this case are the effect of the proposal on: the character and appearance of the locality; and, the settings of the St John's Church, which is a Grade II Listed Building, and a number of Grade II Listed Buildings within the Fairhaven complex.

Reasons

Character and appearance

4. The appeal site, which fronts onto the southeastern side of Tunstall Road, contains a substantial detached house, No. 123, and a number of outbuildings which are set well back from the highway within landscaped grounds that contain a number of protected large trees. In the vicinity of the site, the Tunstall Road street scene is characterised by a variety of buildings, all of which have a windowed main front elevation facing towards and visible from the highway, and the pattern of development is relatively loose knit. The most prominent built features of the street scene are: immediately to the south of the site, the large, stone built form of St John's Church, with a small church hall to one side; and, opposite the church on the other side of Tunstall Road, the Fairhaven complex, which includes a 2-storey, stone built, former

parsonage and associated buildings. To the south of the church, a number of 2-storey semi-detached properties front onto the highway. Views of No. 123 from Tunstall Road are limited by the boundary treatment along its northwestern boundary, which comprises a dwarf wall topped by fencing and backed by a conifer hedge and the set back of the property from the highway. However, the frontages of Nos. 123 and 121 are visible across the more open gardens of No. 121.

5. The proposal involves residential re-development of the site, following the removal of No. 123 and the erection of 7 detached houses in its place, which would be arranged in a cul-de-sac accessed from Tunstall Road at a new entrance formed part way along the northwestern boundary of the site. The proposal would not conflict with the indicative maximum of 9 dwellings which Policy H1 of the *Staffordshire Moorlands Core Strategy, March 2014* (CS) identifies will be permitted on windfall sites within the Development Boundary of the town. Furthermore, the density of development would be lower than the range of 30-40 dwellings per hectare identified by CS Policy H1 as a generally appropriate density of development in urban areas. However, it does not automatically follow that the scheme would be acceptable. CS Policy H1 confirms that all housing development should be at the most appropriate density compatible with the site and its location, and with the character of the surrounding area. The *National Planning Policy Framework* (the Framework) indicates that whilst decisions should not attempt to impose architectural styles or particular tastes, it is, however, proper to seek to promote or reinforce local distinctiveness and it indicates that decisions should address the integration of new development into the natural and built environment.

6. In this case, the proposal would not reflect the existing patterns of development hereabouts. Unlike neighbouring Tunstall Road properties, neither of the 2 proposed dwellings closest to that highway would have a windowed main front elevation facing towards the highway. Instead, one would have a blank sidewall facing towards Tunstall Road and the rear elevation of the other would face towards the highway. The development would appear to turn its back on Tunstall Road.

7. The appellant has indicated that an important aspect of the design would be to screen the development from Tunstall Road, in order to protect the heritage assets and maintain the town character in this area. To that end the existing conifer hedge would be retained either side of the new entrance, the fence being replaced by a wall more in keeping with properties to the south. However, I am not convinced that those conifers can be relied upon as a screen in the longer term, not least as they may be adversely affected by the proposal, given the close proximity of the proposed plot 1 and 7 dwellings, the foundations of which would be set back from the planting by little more than the width of a footway. In any event, the proposed development would be visible from Tunstall Road: across the relatively open front garden of No. 121; from vantage points close to the new entrance; and, from the southwest, through gaps in the planting along the southern boundary of the site. Parts of the frontage properties would also be likely to be seen above the level of the conifer hedgerow.

8. Furthermore, the proposed layout would give the scheme an unduly cramped appearance. The 2 frontage dwellings, on plots 1 and 7, would be separated from the hedgerow along the roadside boundary of the site by only a narrow

gap. They would be positioned closer to the highway than both the Church and No. 121. Similarly narrow gaps would separate most of the proposed dwellings from one another. In addition, the frontages of the properties would be dominated by parking space. Although it has been suggested that trees could be planted in the small front gardens to soften the appearance of the development, I consider it unlikely that they would be retained by future residents, not least as many of the rear gardens would already be dominated by large retained trees.

9. I consider overall that the scheme would have the appearance of an awkward, inward looking and unduly cramped development, which fails to integrate with the existing built environment. It would give an impression of poor design.

10. I conclude that the proposal would cause substantial harm to the character and appearance of the locality, which weighs heavily against the scheme. In this respect, it would conflict with the aims of CS Policies DC1 and H1, which require high quality development. It would also conflict with *Building for Life 12*, which recommends against, amongst other things, ignoring local character and over reliance on front of plot parking. The proposal would amount to poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions, in relation to which the Framework indicates that permission should be refused.

The settings of Listed Buildings

11. St John's Church is a Grade II Listed Building. The Fairhaven complex, on the opposite side of Tunstall Road, also contains a number of Listed Buildings. These include Fairhaven, the former parsonage, and its entrance screen, gateway and gates. The Fairhaven complex and the church form part of a group of buildings constructed around 1850. The appellant's *Heritage Statement and Impact Assessment* (HSIA) indicates that prior to around 1930, when No. 123 was developed, there was no development immediately to the north of this group, the appeal site forming part of a field to the north of the church. At that time the historic relationship between the church and the Fairhaven complex is likely to have been clearly understood, as they would be seen together, flanking the highway, when approaching from either direction along Tunstall Road. That historic relationship remains legible, not least as No. 123 is set well back from the highway, such that it does not interrupt views of the church from the northeast across the gardens of Nos. 121 and 123. Furthermore, it is not a prominent feature in the background, when the historic grouping is seen from the south.

12. Section 66(1) of the *Planning (Listed Buildings and Conservation Areas) Act 1990, as amended* requires that in considering whether to grant planning permission for development which affects the setting of a Listed Building, special regard shall be had to the desirability of preserving its setting. The Framework indicates that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. Significance can be harmed or lost through alteration or destruction of a heritage asset or development within its setting.

13. The *Turley Initial Heritage Appraisal August 2016*, submitted by the appellant, acknowledges that the proposal would be likely to affect the settings of St John's Church and Fairhaven. I consider that in comparison with No. 123, the

proposed block of development would be more obtrusive. It would interrupt views of the church from the northeast across the gardens of Nos. 121 and 123. Furthermore, the proposed built development would be situated much closer to both the highway and the church, and planting along the shared boundary between the site and the church is not so dense as to screen the proposed dwellings from view from vantage points to the south.
From southerly vantage points the church surroundings would have a more cluttered appearance, as a result of the scheme, than at present.
These factors would weaken the legibility of the relationship between the church and the Listed Buildings at the front of the Fairhaven complex.
I conclude that, due to its close proximity to the church and prominence, the proposed block of development would harm the settings of these heritage assets and the contribution made by their settings to their significance. Whilst the harm would be less than substantial, it attracts great weight. In this respect the proposal would conflict with the aims of CS Policies SS1, SS5b, DC1 and DC2, which require development to protect and enhance the historic environment.

14. The Framework indicates that where a development proposal would lead to less than substantial harm to the significance of a designated heritage asset, that harm should be weighed against the public benefits of the proposal.

Other matters

15. The site is previously-developed in part and is located within the development boundary of Biddulph, which is identified by the CS as a significant service centre and focus for development. There is no dispute that the site is in a location from where jobs, shops and services are likely to be reasonably accessible by sustainable modes of transport. Furthermore, the Council has confirmed that it is unable to demonstrate the 5 year supply of deliverable housing sites required by the Framework and it appears that the degree of shortfall is large. Under these circumstances, the contribution made by the proposal towards housing land supply attracts significant weight.
Furthermore, the Council acknowledges that the proposal would be likely to provide some benefit to the local economy, with reference to factors such as construction related expenditure and the New Homes Bonus. In these respects the proposal would gain some support from CS Policies SS1 and SS5b as well as the Framework.

16. The appellant has indicated that the proposal would accord with the requirements of the Council's *Space about Dwellings Supplementary Planning Guidance*, thereby providing satisfactory levels of amenity for future residents of the site. This appears not to be a matter disputed by the Council and I have no reason to take a different view. In this respect it would not conflict with the aims of CS Policy H1.

17. Although I understand that neither the Town Council nor any local residents objected to the proposal, this does not alter the planning merits of the scheme upon which my decision is based.

Conclusions

18. As the Council is unable to demonstrate the 5 year supply of deliverable housing sites required by the Framework, it follows that the weight attributed to the identified conflicts with Policies relevant to the supply of housing, such

as CS Policies SS1, SS5b, H1, DC1 and DC2, would be greatly reduced, as they would not be considered up-to-date under the terms of paragraph 49 of the Framework.

19. Furthermore, the Framework confirms that, in circumstances where relevant policies of the Development Plan are out-of-date, for decision taking the presumption in favour of sustainable development means granting permission unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole. This is an approach reflected in CS Policy SS1a.

20. Nonetheless, having regard to the economic, social and environmental impacts of the scheme, I conclude on balance, it is likely that the benefits of the proposal would be significantly and demonstrably outweighed by the harm that it would cause, with particular reference to the character and appearance of the locality and the settings of heritage assets. Under these circumstances, it would not amount to sustainable development under the terms of the Framework. Furthermore, I consider that it would also conflict with CS Policy SS1a and the Development Plan taken as a whole. For the reasons given above, I conclude that the appeal should be dismissed.

I Jenkins

INSPECTOR