The Planning Inspectorate

Appeal Decision

Site visit made on 28 June 2017

by V Lucas-Gosnold LLB MCD MRTPI

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

Decision date: 5 July 2017

Appeal Ref: APP/B3438/D/17/3174777
Medina, Cheddleton Heath Road, Leek, ST13 7DX

- 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 David Birchall against the decision of Staffordshire Moorlands District Council.
- The application Ref SMD/2017/0024, dated 13 January 2017, was refused by notice dated 15 March 2017.
- The development proposed is rear and side extension.

Decision

1. The appeal is allowed and planning permission is granted for a rear and side extension at Medina, Cheddleton Heath Road, Leek, ST13 7DX in accordance with the terms of the application, Ref SMD/2017/0024, dated 13 January 2017, subject to the following conditions:

    1) The development hereby permitted shall begin not later than 3 years from the date of this decision.

    2) The development hereby permitted shall be carried out in accordance with the following approved plans: Location Plan – 'Streetwise' 1:1250; Site Plan – 'Streetwise' 1:500; Medina existing layout – Scale 1:50 + 1:100 existing layout Dwg Jan 2017; Medina final plan – Scale 1:50 + 1:100 Dwg MCHR 1b proposals Jan 2017.

    3) The materials to be used in the construction of the external surfaces of the extension hereby permitted shall match those used in the existing building.

Procedural Matter

2. The proposed side extension that would form a cycle and garden store was considered by the Council to form Permitted Development and I see no reason to disagree with that assessment. It is therefore only the proposed rear extension and roof veranda that are a matter of dispute between the parties and I shall determine the appeal on that basis.

Main Issues

3. The main issues are:

    - The effect of the development proposed on the character and appearance of the area; and

- The effect of the development proposed on the living conditions of the occupants of Heath Crest, with particular regard to privacy.

Reasons

Character and appearance

4. Medina is a small bungalow with a hipped roof design. It is situated in a row of dwellings along Cheddleton Heath Road. The neighbouring property to the north east, Heath Crest, is a bungalow that is similar in design to the appeal property. Whereas the neighbouring dwelling on the opposite side, Viewlands, is a two storey semi-detached. Further along the road there are two storey detached dwellings and bungalows. Individual dwellings within the row have a variety of roof styles, some being hipped and some having a gable style. There is also a variety of external surface treatments in terms of different types of brick and also render.

5. Medina does form a line of three bungalows of similar design. However, from the rear when seen from viewpoints along the public footpath, it is clear the dwellings have been variously extended over time and they are not uniform in appearance in terms of the alignment of their rear projections. There are also several outbuildings that further distinguish the visual appearance of the dwellings from the rear.

6. There is therefore some diversity in the streetscene in terms of the visual appearance of the dwellings along the road. The open fields to the rear of the dwellings and also on the opposite side of the road do give the area a rural feel. However, the character of the area is defined by views of the existing dwellings from both the public footpath and the road.

7. The development proposed would see a rear extension constructed that would incorporate a roof veranda in the rear roof slope of the dwelling. An existing rear garage in the garden and a rear flat roof extension would also be demolished as part of the proposal.

8. The mass of the appeal dwelling at the rear would project further than the extent of the existing building. However, the overall maximum ridge height would be set just below that of the original property. The slope of the proposed roof extension would reflect that of the hipped design of the existing dwelling at the front and as such would form a balanced design overall. Whilst it may be proposed to set the side elevations flush with those of the existing dwelling, as this would be a rear extension it would not be viewed as unduly visually dominant. The majority of the roof veranda would be recessed in to the rear roof slope, with only part of the enclosure being visible from the sides. When viewed directly from the rear, the position and design of the roof veranda would give it a similar visual appearance to that of a dormer window and as such would be seen as a fairly typical feature that one sees on the rear of similar bungalows.

9. Whilst the proposed extension would result in the rear of Medina being visually different to the other two neighbouring bungalows, given the diversity that exists in the streetscene and the fact that the bungalows have been altered to differing degrees at the rear, this would not be significantly harmful to the character or appearance of the area nor the appeal dwelling itself.

10. Accordingly, I conclude on this main issue that the proposal would not be harmful to the character and appearance of the area. The proposal would therefore not conflict with policies SS6c, R1, R2 or DC1 of the Staffordshire Moorlands Core Strategy (SMCS) (Adopted March 2014) which together seek to ensure that the extension of existing dwellings in rural areas would not have a detrimental impact on the character and appearance of the countryside and are appropriate in scale and design.

11. The proposal would also not conflict with paragraph 17 of the National Planning Policy Framework (Framework) which, among other things, states that planning should always seek to secure high quality design.

Living Conditions

12. The neighbouring dwelling to the west, Viewlands, has a small secondary window in the side elevation closet to the appeal dwelling. However this is a secondary window and the outlook from the proposed veranda would not face directly towards it due to the orientation of the two dwellings. The garden of that dwelling is largely screened from Medina by virtue of the existing boundary treatment. The effect of the proposal on the living conditions of the occupants of Viewlands with particular regard to privacy would therefore be acceptable.

13. The dwelling to the east, Heath Crest, has a small rear conservatory and a rear patio that forms a seating area. The bulk of the proposed veranda in the rear roof slope of the appeal dwelling would be recessed into the roof itself. There would therefore be a section of roof either side of the veranda that would screen direct views looking towards Heath Crest. This is particularly so should future occupants be seated on the veranda as the outlook would be towards views of the open fields at the rear of the house and not to the side.

14. I accept that occupants of the dwelling could stand at the front of the veranda and look down into the neighbouring garden at Heath Crest due to the orientation of this dwelling. However, as this is an established residential area there is already a degree of overlooking between dwellings and their garden areas, particularly given the presence of two storey dwellings close by. Furthermore, both parties have referred to the possibility of constructing a dormer window in the rear roof slope as a 'fall-back' position under Permitted Development rights and this would afford a similar view of the patio in the rear garden of Heath Crest to the proposed veranda in any event. Whilst the side windows of a rear dormer may need to be obscurely glazed this would not screen views of the patio seating area in the garden of Heath Crest.

15. Whilst Heath Crest does have a small rear conservatory, this is situated on the furthest part of the house from Medina and the roof is obscurely glazed. Views into this part of the dwelling from the proposed veranda would therefore be limited and screened by the slope of the roof of the appeal dwelling for the most part. Given that the proposed veranda would be set forwards of the windows in the main rear elevation of Heath Crest I consider it would be very difficult indeed for users of the veranda to gain direct views into these windows due to the orientation of the properties and the screening effect of the proposed extension. I am therefore satisfied that the proposal would be acceptable in this regard.

16. Accordingly, I conclude on this main issue that the development proposed would not be harmful to the living conditions of neighbouring occupants at Heath Crest, with particular regard to privacy. The proposal would therefore not conflict with policy DC1 of the SMCS or the Council's Supplementary Planning Guidance 'Space about dwellings' (Adopted December 1996) which seek to ensure that new development protects residential amenity, with particular regard to privacy.

17. The proposal would also not conflict overall with the Framework, specifically paragraph 17 which, among other things, states that planning should always seek to secure a good standard of amenity for all existing and occupants of land and buildings.

Conclusion and Conditions

18. For the reasons given above, I conclude that the appeal should be allowed.

19. I have considered the Council's suggested conditions in line with the advice in the Framework and the Planning Practice Guidance (PPG).

20. I have attached a commencement condition and a condition requiring the development to be carried out in accordance with the submitted plans, to define the terms of this permission and for the avoidance of doubt. I have also attached a condition requiring the materials to be used in the construction of the external surfaces of the extension to match those of the existing dwelling to ensure there will be no harm to the character or appearance of the area.

21. The Council also suggested a condition restricting the hours of construction of the scheme to avoid noise for neighbouring properties during unsociable hours. However, as the scheme is a small scale householder extension it is likely that any disruption will be of short duration during a very limited period. As such it is unlikely to cause unacceptable harm to the living conditions of neighbouring occupants with regard to noise or disturbance. Accordingly, the condition would not be justified on this occasion.

V Lucas-Gosnold

INSPECTOR