Appeal Decision

Site visit made on 2 March 2010

by Stuart Hall BA(Hons) DipTP FRTPI MCIHT

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

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Decision date: 16 March 2010

Appeal Ref: APP/B3438/A/09/2115834
93 School Lane, Caverswall, Stoke on Trent, Staffs ST11 9EN

- 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 Philip Carr against the decision of Staffordshire Moorlands District Council.
- The application Ref 09/00303/FUL, dated 25 March 2009, was refused by notice dated 22 May 2009.
- The development proposed is a detached 2 storey dwelling.

Decision

1. I dismiss the appeal.

Clarification

2. Submitted 1:1250 and 1:100 scale plans are inconsistent regarding the position of the proposed dwelling in relation to adjacent properties. My decision relates to the larger scale plan (ref: 3747/1/6), which is drawn from a measured site survey and appears to be the plan on which the Council's decision was based.

Main Issues

3. There are two main issues in this appeal. The first is the effect of the proposed dwelling on the living conditions of the occupiers of 89 School Lane, in relation to daylight and outlook. The second is the effect of the dwelling's siting and design on the character and appearance of its surroundings.

Reasons

Living conditions

4. The new dwelling would be sited to the side of the semi-detached No 93, close to its common boundary with No 89, a semi-detached two storey dwelling to the south-east, also situated close to that boundary. Towards the rear of No 89's flank wall, a clear glazed window offers the only direct source of natural light and outlook to that dwelling's kitchen. The two storey depth of the proposed dwelling would extend rearwards slightly beyond a point level with the forward vertical edge of that window. A hip-roofed single storey element would project beyond the rear of No 89. A bow-profiled fence, averaging around 1.8 metres in height, marks the common boundary.

5. I have no cause to doubt the accuracy of the submitted 1:100 scale plan. This shows that the roof of the single storey element would be below a vertical angle of 25° measured from the midpoint of No 89's kitchen window. This would comply with advice on daylight in *Space About Dwellings Standards*, adopted by the Council as Supplementary Planning Guidance to assist interpretation of saved Policy B13 of the *Staffordshire Moorlands Local Plan*. I find no ground to apply a more stringent test, and am satisfied that the scheme would not cause unacceptable loss of daylight to the kitchen.

6. However, a significant portion of the two storey flank wall of the proposed dwelling would intrude in the arc of outlook from that room. Though very little of the wall would be directly in front of the window, I estimate that its close proximity would give it a dominant presence. The outlook would be further contained by the upper parts of the dwelling's two storey rear elevation and, to a lesser extent, by the top part of the single storey rear projection.

7. Whilst no locally adopted relevant standards are brought to my attention, I conclude that these elements would combine to have an unduly overbearing and enclosing impact on the outlook from No 89's kitchen. This would conflict with saved Policy B13 which, among other things, seeks to maintain satisfactory standards of amenity for existing users and achieve a good quality of design. It would not reflect national advice on the importance of good design, set out in Planning Policy Statements 1 and 3, *Delivering Sustainable Development* and *Housing*.

Character and appearance

8. School Lane contains a variety of dwelling types and designs lacking any unifying distinctive character. The design of the proposed dwelling would not be out of place in that context. Whilst No 89 and dwellings further to the south-east are on a common building line, the pair including No 93 are set slightly forward of No 89 and well forward of the adjacent dwelling to the north-west. The limited extent by which the new dwelling would project forward of No 89, barely forward of No 93, would not be at odds with the general pattern of development in the area. Similarly, its height and siting would not have an overbearing visual impact on No 89, or on the street scene generally.

9. Though a brief middle-distance view of lower, open land in the Green Belt to the rear would be largely blocked, this would have minimal effect on overall character. The loss of view to occupiers opposite, whose outlook would not be dominated by the dwelling, is not a consideration that attracts significant weight. By part-filling the gap, the scheme would not be conspicuous from or detrimental to the visual amenity of the Green Belt. I am not persuaded that it would result in over-intensive development, or that it would give the street scene a cluttered appearance. I conclude that it would leave the character and appearance of its surroundings substantially unharmed.

Other matters

10. A side porch at No 93 has been removed since the Council referred to it in their notice of refusal, thereby enabling vehicle access to the rear. The Council now consider that the nursery use to the rear of No 93 is ancillary to the residential use, and withdraw their objection relating to conflict between visitors to the

two properties and highway safety. Bearing in mind the lack of objection from the local highway authority, I find no cause to take a different view.

11. I am unaware of the details of a scheme for a detached dwelling on the site that were approved in 1995, but that approval would have no bearing on the particular merits of the proposal before me. Similarly, conflicting views as to whether this proposal differs significantly from recent schemes rejected by the Council are of limited assistance to me. I saw that several dwellings nearby have single storey rear extensions. However, there is no evidence that they cause harm to neighbours' outlooks, and any such harm would not justify further harm arising from the appeal scheme.

Conclusion

12. Taken together, my conclusions with regard to daylight, character and appearance, and all other matters raised, do not override the material harm to living conditions that I have identified in relation to outlook from the kitchen of 89 School Lane. That harm remains a fundamental objection to the proposal. It follows that the appeal should not succeed.

Stuart Hall

INSPECTOR