The Planning Inspectorate

Appeal Decision

Site visit carried out on 5 December 2017

by Mrs J A Vyse DipTP DipPBM MRTPI

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

Decision date: 19 December 2017

Appeal Ref: APP/B3438/W/17/3176473
Hurst Road Garage, Hurst Road, Biddulph ST8 7RX

- 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 and Mrs Shore against the decision of Staffordshire Moorlands District Council.
- The application No SMD/2017/0022, dated 12 January 2017, was refused by a notice dated 30 March 2017.
- The development proposed comprises the erection of a detached dwelling and ground worker's storage building.

Decision

1. For the reasons that follow the appeal is allowed and planning permission is granted for the erection of a detached dwelling and ground worker's storage building at Hurst Road Garage, Hurst Road, Biddulph, in accordance with the terms of the application, No SMD/2017/0022, dated 12 January 2017, subject to the conditions set out in the attached schedule.

Main Issue

2. The appeal site is occupied by a long established commercial use comprising a vehicle repair garage and storage of ground worker's equipment. The site contains a total of four Nissen style buildings and a large area of hardstanding. Planning permission was granted last year for demolition of the existing buildings and the erection of a detached two-storey dwelling and a separate ground workers' storage building.[1] That permission is extant.

3. The development the subject of this appeal comprises, in essence, a revised scheme for a similar form of development, the material difference being the design of the dwelling proposed. No material alterations are proposed to the ground worker's storage building, which would remain as approved.

4. Whilst the appeal site lies within the North Staffordshire Green Belt, the principle of the development proposed is considered acceptable by the Council was considered previously and was found to be acceptable in Green Belt terms. I have no reason to take a different view. On that basis, and having regard to the Council's reason for refusal, the main issue in this case relates to the effect of the development proposed on the character and appearance of the area, having particular regard to the form and design of the dwelling proposed.

Reasons for the Decision

5. The surrounding area is generally rural in character, although there is a small

[1] Application No SMD/2016/0371 approved 16 September 2016

cluster of residential properties at the junction of Hurst Road with Grange Road/Overton Road, with more sporadic residential development and farmsteads further along Hurst Road to the south/south-east. Whilst dwellings in the locality are generally two storey, they include, as noted by the appellant a wide variety of scales, design and architectural style, including differing plan forms, projecting front gables and other extensions, differing window proportions, and variable ridge heights and roof forms, including gabled and hipped designs.

6. The approved plans show a dwelling with essentially a rectangular footprint sitting across the width of its plot. The front elevation contained a central entrance within a projecting element with a lean-to roof over, and two dormer windows which straddled a low eaves line, plus a small central roof light. An attached garage with a pitched roof over is shown to the left hand side.

7. The dwelling now proposed would be of similar width to that already approved, and would be located in a similar position, set well back into the site. Whilst the appellant suggests that there would be a reduction in height, the officer's report for the approved scheme noted an amended ridge height of 6.75 metres[2], the same as that now proposed. In terms of detail, the proposed front elevation is, roughly, a 'handed' version of that approved – the two storey element would be of similar proportions and not wholly dissimilar in terms of design, but with the single storey element to the right hand side and with a projecting single storey element beneath a lean-to roof at the left hand end. Two dormer windows are again shown straddling a low eaves line, although two small roof lights are now shown in between them as opposed to one. Insofar as the frontage block is concerned therefore, I am satisfied that the arrangement now proposed is not materially different from that already approved.

8. However, the dwelling now proposed includes a projecting wing to the rear, initially of two storeys but then stepping down to single storey, creating an L-shaped building footprint. The Council maintains that, as a consequence of the proposed design, the main body of the dwelling would be '*lost amongst a series of projections*,' creating an '*incongruous and sprawling form of development*', particularly when compared to the approved scheme.

9. The building as proposed would extend only marginally further back than the rear of the proposed storage building and, in any event, neither the storage building nor the rear wing would extend as far back as the rearmost Nissen hut on the site. Moreover, the stepped nature of the rear wing reflects the slightly falling ground levels here. The approved scheme included three dormer windows on what appears to me to be an otherwise bland, almost suburban rear elevation. The design proposed, which retains the lower eaves height, includes only one dormer on the rear of the main part of the house, with another in the side of the two storey part of the projecting wing. To my mind, far from creating an incongruous sprawling form, the stepped rear wing adds welcome interest to the rear elevation, with a cottage feel, without adding appreciably to the bulk or massing of the building.

10. In support of its case, the Council refers me to an Appeal decision elsewhere in the District, where permission was refused for a first floor extension to an

[2] It would seem that the approved plans were an amended scheme. An earlier iteration, not approved, apparently showed a building with a ridge height of 7.8 metres.

existing dwelling.[3] In that decision, my colleague found that whilst the proposed extension was not inappropriate in Green Belt terms, its design was unacceptable. My attention is drawn, in this regard, to policy DC1 of the Staffordshire Moorlands Core Strategy (March 2014). Policy DC1 requires that development should be well designed, reinforcing local distinctiveness. Among other things, it should be of high quality, adding value to the local area, incorporating creativity, detailing and materials appropriate to the local area.

11. I consider the dwelling proposed, including the stepped rear wing, to be a suitable design that is sensitive to the surrounding rural area. As noted at the outset, dwellings in the locality are of varied size, style and architecture, similar only inasmuch as they are two storey, mainly with Staffordshire Blue tile roofs. The dwelling proposed is of two storeys with pitched tiled roofs and includes design elements typical of rural dwellings whilst also contributing to design variety in the locality.

12. I recognise that the approved design may well have been the result of negotiation. However, the appeal scheme falls to be considered on its own merits. All in all, I am satisfied that of itself, the development proposed would not appear as incongruous or intrusive in its setting and there would be no material harm to the character or appearance of the surrounding area. Accordingly, I find no conflict with policies DC1, SS1, SS6c and DC3 of the Core Strategy, which together with the National Planning Policy Framework promote good design that maintains or enhances the distinctive character of the area. There is nothing in the Appeal Decision, which did not succeed because the Inspector found that the proposed extension in that case would result in the loss of key architectural features. That leads to me to a different view. Therefore, for the reasons set above, I conclude that the appeal should succeed.

13. I have considered the Council's suggested conditions in the light of national policy and guidance and have amended them accordingly where necessary. In addition to the standard condition relating to the commencement of development, and that stating the plans to which the permission relates which is imposed to provide clarity, a condition securing details of materials, window/door/verge/eaves details and details of the roller shutter door to the storage building is necessary in the interest of visual amenity. Also in the interest of visual amenity, conditions are required to secure details of existing and proposed ground levels and finished floor levels, landscaping and to prevent the external storage of vehicles, equipment, machinery or materials associated with use of the storage building.

14. In the interest of highway safety, conditions are necessary to ensure the provision of on-site parking, turning and servicing areas, the provision and retention of a visibility splay and closure of the northern site access which would become redundant.

15. It is necessary to tie occupation of the dwelling with the adjacent ground worker's storage building, given the intimate relationship of the unit with the dwelling and the potential for significant adverse impacts on the living conditions of any residential occupiers not directly associated with the commercial use. I have also imposed the suggested hours of operation condition for the storage building, but on the basis that, pursuant to the

[3] APP/B3438/D/17/3167769

occupancy condition, the dwelling could in theory be occupied by a widow, widower, surviving civil partner or any resident dependants who may not, necessarily, be engaged in the ground working business. In such circumstances, their living conditions would need protecting.

16. The Council suggests that foul and surface water details are required. However foul water is a matter generally addressed through other legislation. I agree though that a sustainable drainage system is required, in order to avoid pollution and to prevent increased risk from flooding. I have amended the wording of the suggested condition to also require ongoing maintenance of such a system, which is essential to ensure that the scheme continues to perform as intended.

17. In the interest of nature, a condition is necessary to protect breeding birds that may be in any trees/hedges/scrub that would be removed from the site between 1 March and 31 August.

18. Given the existing uses on the site, there is potential for contamination. A condition is therefore necessary to secure investigation and any necessary remediation. In addition, it is necessary to ensure that any imported top soil is uncontaminated, in order to prevent pollution of the adjacent watercourse.

19. It is suggested that permitted development rights relating to Classes A, B, C, D, E, F, G, and H as specified in Schedule 2 Part 1 of the Town and Country Planning (General Permitted Development) (England) Order 2015 be removed in relation to the dwelling hereby permitted. Related advice in the Planning Practice Guidance indicates that such conditions will rarely pass the test of necessity and should only be used in exceptional circumstances. Classes A-E relate to extensions and alterations to the dwelling, including extensions and alterations to the roof, and the erection of curtilage buildings. Given the Green Belt location of the site and the relationship of the volume and footprint of the approved buildings to those to be demolished, I am satisfied that removal of those particular rights is necessary in order to protect the openness of the Green Belt and in the interest of visual amenity. I am not persuaded, however, particularly since this is not a conservation area, that it is necessary to remove permitted development rights relating to hardsurfacing (Class F), chimneys or flues (Class G) or microwave antennas (Class H).

20. The Council suggests a condition restricting noisy activities during construction and another requiring a Construction Environmental Management Plan in order to minimise dust emissions during construction. However, this is a relatively isolated site in a rural area with no residential accommodation (other than the associated worker's dwelling) in such close proximity that the suggested conditions might be warranted. Accordingly, I have not imposed them. A condition restricting the burning of any waste material associated with the demolition or construction is also suggested. However, such a condition would generally duplicate other legislation enforced by the Environment Agency and thus is unnecessary.

Jennifer A Vyse
INSPECTOR

Schedule of Conditions
APP/B3438/W/17/3176473
Hurst Road Garage, Hurst Road, Biddulph

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 following approved plans: 00717-001; 00717-013B; 00717-014B; 00717-015B; 00717-016A.

3) No development shall be commenced until details of the following have been submitted to and approved in writing by the Local Planning Authority:-
   a) External facing materials
   b) Window and door details
   c) Eaves and verge details
   d) Roller shutter door

   Development shall thereafter be undertaken in accordance with the approved details.

4) The development hereby permitted shall not be commenced, including any works of site clearance, unless and until details of the existing and proposed levels across the site and relative to adjoining land, together with the finished floor levels of the proposed buildings have been submitted to and approved in writing by the Local Planning Authority. Development shall thereafter be undertaken in accordance with the approved details.

5) Prior to the commencement of development, a detailed scheme for the landscaping and enclosure of the site shall be submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details. The details to be submitted shall include, but are not confined to, hard landscaping, including boundary fencing and gates, planting plans, written specifications (including cultivation and other operations associated with tree, shrub, hedge or grass establishment), schedules of plants noting species, plant sizes, and the proposed number and densities.

6) All planting or seeding comprised in the approved details of landscaping shall be carried out in the first available planting and seeding seasons following the approval of the landscaping scheme; and any trees or plants which within a period of five years from the completion of the landscaping scheme die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.

7) No vehicles shall be stored outside on any part of the site other than vehicles associated with domestic use of the dwelling house, which shall only be parked on its designated drive as identified on drawing No 00717 13B.

8) No equipment, machinery, plant or materials associated with use of the ground worker's building hereby permitted shall be stored outside on any part of the site.

9) The development hereby permitted shall not be brought into use until parking, servicing and turning areas have been provided in accordance with the approved plans. The parking, servicing and turning areas shall thereafter be kept free from obstruction for the lifetime of the development.

10) The development hereby permitted shall not be brought into use until the visibility splay shown on the submitted drawing No 00717 13B has been provided. The visibility splay shall thereafter be kept free of all obstruction to visibility over a height of 600 mm above the adjacent carriageway level.

11) The development hereby permitted shall not be brought into use until the existing site access to the north made redundant as a consequence of the development hereby permitted, including the access crossing between the site and carriageway edge, is permanently closed, gates removed and replaced by fencing but maintaining visibility, with the access crossing reinstated as verge in accordance with drawings to be first submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.

12) Occupation of the dwelling hereby permitted shall be limited to a person solely or mainly employed in the ground worker's business unit occupying the eastern plot shown on drawing No 00717 13B, a widow or widower or surviving civil partner of such a person, and to any resident dependants.

13) The operating hours of the ground worker's building and associated curtilage shall be restricted to between:
- 07:30 - 18:00 hours (Monday to Friday),
- 07:30 - 12:00 hours (Saturday)
- and at no time on Sundays or Bank Holidays.

14) The development hereby permitted shall not be commenced until such time as a scheme for the provision of surface water drainage works, based on sustainable drainage principles has been submitted to and approved in writing by the Local Planning Authority along with a timetable for implementation. The scheme shall be implemented and thereafter managed and maintained in accordance with the approved details and timetable. The scheme to be submitted shall:

i) provide information about the design storm period and intensity, the method employed to delay and control the surface water discharged from the site and the measures taken to prevent pollution of the receiving groundwater and/or surface waters;
ii) include a timetable for implementation of the scheme; and,
iii) provide a management and maintenance plan for the scheme, for the lifetime of the development, which shall include the arrangements for adoption of the scheme by any public authority or statutory undertaker, and any other arrangements to secure the operation of the scheme throughout its lifetime.

15) No removal of any hedgerows, trees or shrubs or works to demolish structures that may be used by breeding birds shall take place between 1 March and 31 August inclusive, unless a competent ecologist has first undertaken a detailed check of vegetation for active birds' nests immediately before vegetation clearance and has provided written

confirmation that no birds will be harmed as part of the proposed works and /or that there are appropriate measures in place to protect nesting birds on site during that period. Any such written confirmation must be submitted to and agreed in writing by the local planning authority prior to any work commencing.

16) No development, with the exception of site clearance and demolition, shall take place until an intrusive site risk assessment has been undertaken to assess the nature and extent of any contamination on the site, in accordance with a scheme that shall previously have been submitted to and agreed in writing with the local planning authority. Once completed, a written report of the findings and recommendations shall be submitted to and approved in writing by the local planning authority. If the site risk assessment indicates that potential risks exist, development shall not commence until a detailed remediation strategy to bring the site to a condition suitable for the intended use has been submitted to and approved in writing by the local planning authority. Following completion of measures identified in the approved remediation scheme and prior to bringing the development into first use, a verification report that demonstrates the effectiveness of the remediation carried out must be submitted to and approved in writing by the local planning authority. If, during the course of development, any contamination is found which has not been identified in the site investigation, additional measures for the remediation of this source of contamination shall be submitted to and approved in writing by the local planning authority. The remediation of the site shall incorporate the approved additional measures.

17) No top soil is to be imported to the site until it has been tested for contamination and assessed for its suitability for the proposed development in accordance with a methodology that has previously been submitted to and approved in writing by the local planning authority. The methodology shall include the sampling frequency, testing schedules, criteria against which the analytical results will be assessed (as determined by the risk assessment) and source material information. The analysis shall be carried out and validatory evidence submitted to and approved in writing to by the local planning authority prior to any soil being imported to the site.

18) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking and re-enacting that order with or without modification), no development as specified in Schedule 2 Part 1 Classes A, B, C, D and E shall be carried out.

----------END OF SCHEDULE ----------