The Planning Inspectorate

Appeal Decision

Site visit made on 12 March 2018

by Alison Partington BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 19th March 2018

Appeal Ref: APP/B3438/D/18/3193728
14 Uttoxeter Road, Lower Tean ST10 4LJ

- 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 Mrs Catherine Neesam against the decision of Staffordshire Moorlands District Council.
- The application Ref SMD/2017/0559, dated 16 August 2017, was refused by notice dated 7 November 2017.
- The development proposed is described as a "detached Granny Annex in rear garden of number 14 Uttoxeter Road, Lower Tean. The plans presented show a single storey structure with an overall height of 3 metres. The annex will be used for a dependent relative and will be ancillary to the main dwelling".

Decision

1. The appeal is dismissed.

Procedural Matter

2. The appellant has raised concerns with the Council's handling of the case, and in particularly whether they have been dealt with fairly and professionally, and I understand she has made a complaint regarding this to the Council. In determining the appeal I have only had regard to the planning merits of the case.

Main Issues

3. The main issues in the appeal are:

   - Whether or not the proposed development would preserve the setting of the nearby Listed Building;
   - The effect of the proposed development on the character and appearance of the area;
   - The effect of the proposed development on the living conditions of the occupiers of No 16 Uttoxeter Road with particular regard to privacy.

Reasons

Setting of the Listed Building

4. The appeal property is located in the middle of a row of four dwellings that together comprise a Grade II Listed Building. Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 states that in considering whether to grant planning permission for development which affects a listed

building or its setting, the decision maker shall have special regard to the desirability of preserving the building or its setting, or any features of special architectural or historic interest which it possesses.

5. The oldest part of the building dates from the early 19th century, with a later addition which includes the appeal property dating from the middle of that century. Based on the available information and what I observed on site, I consider its significance lies predominantly in its value as an attractive example of 19th century vernacular architecture, and in the contribution it makes to the street scene.

6. The proposed granny annex would be located in the rear garden of the host property and thus within the curtilage of the Listed Building which forms an important part of its setting. The largely open nature of the domestic curtilage makes a positive, if minor, contribution to the heritage significance of the Listed Building.

7. The proposed building would be a timber clad single storey structure. Although only comprising four rooms, the scale and mass of the building would be large in comparison to the other domestic outbuildings currently situated in the rear gardens, and would erode some of the open nature of the curtilage, and the contribution the open setting makes to the heritage significance of the asset. Moreover, the materials and design of the annex would not reflect, or relate to, the Listed Building, and so would detract from it.

8. Therefore I consider that the proposed development would fail to preserve the setting of the Listed Building. Consequently it would conflict with Policies SS1 and DC2 of the *Staffordshire Moorlands Core Strategy Development Plan Document (adopted March 2014)* (CS) which seek to ensure development protects and, where possible, enhances the historic environment.

9. With reference to the *National Planning Policy Framework* (the Framework) I note that the Council considers the harm caused to setting of the Listed Building would be substantial. The *Planning Policy Guidance*[1] indicates that whilst whether a proposal causes substantial harm is a matter of judgement for the decision maker, it is, in general terms, a high test, that will not arise in many cases. In my opinion the harm caused would be less than substantial. Having regard to paragraph 134 of the Framework, I note that it is intended to use the annex to provide accommodation for a dependent relative. Nevertheless even if this is considered to be a public benefit, I am not satisfied this is sufficient to outweigh the harm that would be caused to the setting of the Listed Building

10. The appellant has highlighted that the houses that comprise the listed building have already been altered and extended in a variety of ways, and that there are a number of outbuildings in the rear gardens, as well as a corrugated metal tunnel shed and a large timber and asbestos garage to the front of No 16. I do not have the full details of the circumstances that led any of these proposals being considered acceptable, but as none of them are being used as residential annexes they are not a direct parallel to the appeal scheme. In any event, some of the outbuildings I saw confirmed that inappropriate outbuildings are detrimental to the setting of the Listed Building, and so do not set a precedent that should be followed.

[1] Paragraph ID 18a-017-20140306

Character and Appearance

11. The proposed building would be timber clad and would have a simple design that would not be dissimilar to many sheds or outbuildings found within domestic gardens. As such it would not appear an incongruous feature within the rear garden of the host property.

12. The row of houses is situated perpendicular to the main road, on the edge of the village, with Nos 10 and 12 being situated closer to the road than the appeal site. As such the rear garden of the appeal property is set some distance from the road. This, together with the vegetation along the roadside and the rear of the gardens, means there would be little visibility of the proposal when approaching Lower Tean along Uttoxeter Road. When travelling along the road in the other direction, the existing houses would prevent any views of it. To the rear of the property are agricultural fields, and I have not been made aware that there are any public footpaths crossing these fields, from which the proposal would be visible. Thus, although there would be some views of the building from the rear windows of other houses within the row, there would be very limited visibility of the proposal from the public realm, and it would not be a prominent feature within the street scene.

13. Consequently, I consider that the proposed development would not cause harm to the character and appearance of the area. Therefore, in this regard, it would not conflict with Policy DC1 of the CS which, amongst other things, seeks to ensure that developments are well designed and respect the site and its surroundings.

Living Conditions

14. The proposed building would be positioned towards the bottom of the garden. The side and rear elevation would be close to the common boundary with the adjacent garden but these elevations would only contain one small high level window which serves one of the small rooms and could potentially be conditioned to ensure it had obscure glazing.

15. However, the front elevation would contain a veranda and windows serving the largest rooms. This elevation would be approximately 9m from the boundary with No 16. The existing boundary treatment is a low fence, and as a result there would be direct views from the proposed building into the rear garden of No 16. I accept the height and natures of the boundary treatment means that there is currently limited privacy between the rear gardens of No 14 and 16. Nevertheless, the development of a building to be used for residential purposes in the garden would introduce a much greater level of overlooking of the neighbouring garden.

16. Consequently, I consider the proposed development would be detrimental to the living conditions of the occupiers of No 16 Uttoxeter Road, with particular regard to privacy. Accordingly, in this regard, it would conflict with Policy DC1 of the CS which, amongst other things, requires that development protects the amenity of the area, including residential amenity.

Other Matters

17. The appellant has highlighted that the building would be used to provide accommodation for a relative who needs help and support as a result of their medical condition. To this end I note the support of the Parish Council for this

purpose. However, personal circumstances will seldom outweigh more general planning considerations, and it is likely that the building would remain long after the current personal circumstances cease to be material.

Conclusion

18. Although I have found that the appeal scheme would not harm the character and appearance of the area, it would not preserve the setting of the nearby Listed Building and it would also be detrimental to the living conditions of the occupiers of No 16. Consequently, for these reasons, I conclude the appeal should be dismissed.

Alison Partington

INSPECTOR