The Planning Inspectorate

# Appeal Decision

Site visit made on 26 April 2018

**by Beverley Wilders BA (Hons) PgDurp MRTPI**

**an Inspector appointed by the Secretary of State**

**Decision date: 29th May 2018.**

**Appeal Ref: APP/B3438/W/18/3195307**
**5 Draycott Old Road, Forsbrook ST11 9AL**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
- The appeal is made by Mr & Mrs D Caswell against the decision of Staffordshire Moorlands District Council.
- The application Ref SMD/2017/0218, dated 31 March 2017, was refused by notice dated 14 December 2017.
- The development proposed is a single residential unit.

## Decision

1. The appeal is dismissed.

## Procedural Matters

2. The proposal is for outline planning permission. As originally submitted all matters were reserved except for access but the application was amended prior to determination by the Council to also include layout, scale and appearance. I have determined the appeal accordingly.

3. An amended site layout plan (drawing number 00526 AL(0) 06B) was submitted with the appeal in an attempt to overcome the Council's concerns regarding the proposed parking and turning area. This was accompanied by an updated Arboricultural Impact Assessment. The amended site layout plan appears to show an enlarged parking and turning area and shows a swept path analysis for one vehicle to enter the site, turn and leave in a forward direction.

4. The amended site layout plan seeks to overcome part of the Council's reason for refusal and materially alters the proposal. Noting that no consultation has taken place on it and that a number of objections to the proposal refer to highway safety matters, I consider that acceptance of the amended site layout plan at this stage would be likely to prejudice the interests of interested parties. Consequently in reaching my decision I have not had regard to the amended site layout plan and have assessed the proposal as shown on the plans determined by the Council.

## Main Issues

5. The main issues are:

   - the effect of the proposal on highway and pedestrian safety;
   - the effect of the proposal on the character and appearance of the area;

- the effect of the proposal on the living conditions of the occupiers of neighbouring properties having regard to privacy;
- whether future occupiers of the proposed dwelling would have satisfactory living conditions having regard to outlook and outdoor amenity space.

## Reasons

*Highway and pedestrian safety*

6. There is an existing vehicular access to the appeal site off Cheadle Road, a busy main road between Cheadle and Blythe Bridge. The vehicular access into the site itself is set behind a wide hard surfaced crossover and footpath which lies between the entrance to the site and Cheadle Road with two other vehicular accesses at the rear of the footpath, one to either side of the appeal site.

7. Land levels within the appeal site rise up from the road, with a level area near to the access. The site is also contains a number of trees and mature landscaping, some of which are protected by Tree Preservation Orders (TPOs).

8. The proposed parking and turning area would be on the level area and would be positioned between a number of boundary trees and adjacent to an embankment. I note the concerns raised by the Highway Authority and having regard to these and from my observations on site, I do not consider that the proposed parking and turning area is of a sufficient size to adequately serve the proposed dwelling. Consequently approval of the proposal is likely to result in vehicles reversing into or out of the site and using the hard surfaced verge and footpath to either manoeuvre into a forward gear before accessing Cheadle Road or to reverse into the site. Such manoeuvres would be likely to unacceptably increase the risk of collision with both vehicles and pedestrians and would be detrimental to highway and pedestrian safety.

9. In reaching my decision I note the appeal site location relative to services and facilities in Forsbrook and Blythe Bridge and the apparent availability of regular public transport connections, however this does not negate the need to provide suitable on-site parking and turning facilities. I also note that paragraph 32 of the National Planning Policy Framework (the Framework) states, amongst other things, that decisions should take account of whether safe and suitable access to the site can be achieved and that development should only be refused on transport grounds where the residual cumulative impacts of development are severe.

10. Taking the above matters into consideration and for the reasons stated above, the inadequate parking and turning facilities means that a safe and suitable access would not be provided and the proposal would be likely to have a severe and significant adverse effect on highway sand pedestrian safety. The proposal is therefore contrary to Policy DC1 of the Staffordshire Moorlands Core Strategy Development Plan Document Adopted 26 March 2014 (CS) and to paragraph 32 of the Framework. These policies seek, amongst other things, safe and suitable access for new development and safe public and private environments.

*Character and appearance*

11. The appeal site comprises a relatively narrow and irregular shaped piece of land with land levels rising up from Cheadle Road to the rear of the site. It is

undeveloped and I understand from the evidence that it previously formed part of land in the ownership of 5 Draycott Old Road. The site contains a number of mature trees and landscaping, some located adjacent to the site boundaries, some protected by TPOs. This serves to largely screen the rear of the site when viewed from Cheadle Road. The site is located in a predominantly residential area with the immediate surrounding area comprising dwellings of varying scale, layout, design and appearance.

12. The proposed two storey detached dwelling would be positioned at the rear of the site in an elevated position relative to Cheadle Road. Whilst the dwelling would not be located centrally within the plot and whilst it would be on the highest part of the site and some elevations would be close to the site boundaries, I do not consider that the proposal would appear cramped, overdeveloped or out of character with the area particularly given that it would not be prominent from Cheadle Road. As stated, the character and appearance of the immediate surrounding area is mixed and I note that there are a number of nearby dwellings which are positioned adjacent to site boundaries, are not centrally positioned within their plots and have a higher density than the proposal.

13. Taking the above matters into consideration I conclude that the proposal would not have an adverse effect on the character and appearance of the area. It therefore accords with Policy DC1 of the CS and to relevant paragraphs of the Framework insofar as they relate to character and appearance. These policies seek, amongst other things, development to be well designed and to reinforce local distinctiveness by positively contributing to and complementing the special character and heritage of the area.

*Living conditions (existing)*

14. As stated, the proposed dwelling would be positioned to the rear of the appeal site. The front elevation of the dwelling would contain a number of habitable room windows at ground and first floor and would face down the site towards the site entrance and Cheadle Road. The dwelling would be to the rear of but would be offset from the rear elevation of the dwelling at 58 Cheadle Road which is set at a lower level. Timber fencing and soft landscaping marks the common boundary between the appeal site and No 58 near to the site of the proposed dwelling.

15. Though the position of the proposed dwelling would be near to the common boundary with No 58 and whilst it would be set at a higher level than the house and garden at No 58, the position of the first floor windows within the front elevation of the proposed dwelling are such that any overlooking of the rear private garden of this dwelling is unlikely to be significant or to materially affect the living conditions of the occupiers of No 58. Any overlooking from the windows into the garden would be at an oblique angle and would limit any perceived or actual overlooking. In addition having regard to the design and position of the proposed dwelling I am satisfied that there would be no significant overlooking of any other nearby properties.

16. Taking the above matters into consideration, I conclude that the proposal would not have a significant adverse effect on the living conditions of the occupiers of neighbouring properties having regard to privacy. It therefore accords with Policy DC1 of the CS and to relevant paragraphs of the Framework insofar as they relate to the effect of development on existing residential

occupiers. These policies seek, amongst other things, to protect the amenity of the area, including residential amenity in terms of privacy.

*Living conditions (proposed)*

17. The ground floor of the proposed dwelling contains windows in the front, rear and in one of the side elevations. Though I note the proximity of some of these windows to the site boundaries and to timber fencing marking the boundaries, I also note that the open plan kitchen/dining room would be served by three windows and a patio door and would be triple aspect. Consequently whilst the outlook from some openings within the kitchen/dining room would be limited, having regard to the size of the room and to the position and size of the openings, I consider that the room would have an adequate outlook. The ground floor living room would have a patio door overlooking the proposed rear amenity space. Whilst the rear amenity space would be modest in size and quite narrow, having regard to the size of the patio door relative to the room and to its distance from the site boundaries, I consider that satisfactory outlook would also be provided to the living room.

18. Outdoor amenity space to serve the proposed dwelling would be provided to the front, side and rear. Whilst the rear area would be quite narrow and enclosed, the front and side area would have a more open aspect notwithstanding the presence of trees and landscaping. Though some existing tree and shrub planting on the site would be removed as part of the proposal and would make the front amenity area more visible from Cheadle Road, it would nevertheless be set some distance from the road and would be sufficiently private. Whilst the proposed outdoor amenity space is fragmented and has an irregular shape, the Council accepts that the amount of amenity space meets the Council's guidelines and I am satisfied that future occupiers of the dwelling would be provided with satisfactory outdoor amenity space.

19. Taking the above matters into consideration, I conclude that future occupiers of the proposed dwelling would have satisfactory living conditions having regard to outlook and outdoor amenity space. The proposal therefore accords with Policy DC1 of the CS and to relevant paragraphs of the Framework insofar as they relate to living conditions. These policies seek, amongst other things, to create attractive and functional private environments and to ensure satisfactory outlook and privacy.

**Other Matters and Planning Balance**

20. Both main parties agree that the Council cannot currently demonstrate a five year housing land supply (5YHLS) with the appellants referring to a supply figure of 1.99 years as stated in the Council's Housing Land Supply Schedule (March 2017). This figure has not been disputed by the Council and I have therefore determined the appeal accordingly. Having regard to paragraphs 14 and 49 of the Framework, relevant policies for the supply of housing should not be considered up to date and permission should be granted for housing applications unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the Framework taken as a whole; or specific policies in the Framework indicate development should be restricted.

21. The proposal would provide one additional dwelling in a sustainable location and would make a modest contribution to the current significant under supply

of housing in the Borough, supporting the Governments ambition to boost the supply of housing. The proposal would also bring some economic benefits both during the construction phase and afterwards resulting in additional spend in the locality, however these would limited given that only one dwelling is proposed. Weighed against these benefits is the significant harm to highway and pedestrian safety that would be likely to result from the proposal. Taking the above matters into account, I consider that the adverse impact of granting planning permission for the proposal would significantly outweigh the benefits, when assessed against the policies in the Framework taken as a whole.

22. The harm that would be likely to be caused to highway and pedestrian safety also leads me to conclude that the proposal would conflict with the development plan. In accordance with Section 38 (6) of the Planning and Compulsory Purchase Act 2004, and as set out in paragraph 12 of the Framework, development that conflicts with the development plan should be refused unless material considerations indicate otherwise. In this case there are no material considerations which indicate that the proposal should be determined other than in accordance with the development plan.

23. In reaching my decision I have had regard to an appeal decision referred to by the appellants relating to the erection of a dwelling elsewhere within the Borough where an Inspector attached significant weight to the economic and social benefits of the proposal (Ref APP/B3438/A/14/2217581). However I note that the circumstances of the two cases differ in that unlike the proposal no harm was found in relation to the example case and therefore there was no need for a planning balance exercise to be carried out. In any event the weight to be attached to the benefits and conflicts of a proposal and the balancing of these various considerations is a matter of judgement for the decision maker. For the reasons stated I consider the benefits of the proposal to be modest and that they would be outweighed by the significant harm that I have identified.

**Conclusion**

24. For the above reasons and having regard to all matters raised, I conclude that the appeal should be dismissed.

*Beverley Wilders*

INSPECTOR