The Planning Inspectorate

Appeal Decision

Site visit made on 18 December 2018

by Eileen Griffin LLB Hons

an Inspector appointed by the Secretary of State

Decision date: 28 January 2019

Appeal Ref: APP/B3438/W/18/3210497
Land at Rivendell Lane, Birchall, Leek ST13 5RH

- 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 Birchendel Holdings Limited against the decision of Staffordshire Moorlands District Council.
- The application Ref SMD/2018/0168 dated 14 March 2018 was refused by notice dated 25 April 2018.
- The development proposed is erection of 2 no detached two-storey dwellings.

Decision

1. The appeal is dismissed.

Procedural Matter

2. Since the refusal of this application, the Council has granted planning permission reference SMD/2018/0321 for the erection of a single dwelling on part of the appeal site. That dwelling has the same siting, design and appearance as the dwelling referred to as Plot 2 in this appeal.

3. The National Planning Policy Framework was revised on 24 July 2018 (the Framework) and this post-dates the Council's refusal notice. I have taken the Framework into account as part of the consideration of the appeal. All references to the Framework in this decision refer to the revised version unless specifically stated.

Main Issue

4. The main issue is the effect of the appeal proposal on the character and appearance of the area.

Reasons

5. The appeal site is a roughly triangular parcel of land on the corner at the junction of Rivendell Lane and Birchall Lane. Whilst there are dwellings along both sides of Rivendell Lane, the dwellings on the opposite side to the appeal site are at a lower level. From the south, Rivendell Lane slopes upwards past the part of the site where the dwelling on Plot 1 would be located. The dwellings on Rivendell Lane are largely detached dwellings with a variety of sizes and designs but with private amenity space and off road parking.

6. With a corner location, Plot 1 would have access off Birchall Lane which rises to the north and is narrow at approximately 3 metres wide.

7. On this section of Birchall Lane, a new house ref SMD/2016/0324 is being constructed on the opposite side of the road to the appeal site. Birchall House which is set in a spacious plot and is set back some distance from the road is next to the dwelling under construction. The Moorings is set in substantial grounds and has a boundary with the rear of the appeal site but with access off Birchall Lane.

8. This pattern of development set back from Birchall Lane with mature vegetation and trees does mean that the existing houses are not unduly prominent from the junction with Rivendell despite the elevated location.

9. In terms of design, Plot 1 would have a split level appearance with an integral garage at lower ground floor level. Plot 1 is the larger of the two dwellings. The L–shaped dwelling with its associated hard standing and access would occupy a large proportion of the plot which would contrast with neighbouring development on Birchall Lane where development is largely set in spacious plots.

10. The overall ridge height of the dwelling would be approximately 9.5metres and with a width of approximately 13 metres, it would appear as an overly dominant feature in a location where the houses are largely designed to blend in with the mature hedging and planting. The appeal site has a wide road frontage which increases visibility of any development.

11. The appellant has referred to a ridge height of 9 metres not being out of keeping with the character of the area and has referred other nearby properties. However, from my site visit, I saw that the other properties do not have the same elevated prominent location at the junction of the lanes.

12. Whilst the ground levels would be lowered by a small amount, the height of the proposed new dwelling in combination with the elevated location would appear extremely prominent. The view from the front on Birchall Lane would be of a number of discordant features of different levels including a prominent chimney feature and the partial split level arrangement. There would be limited garden space due to the layout and the hardstanding, parking and turning area which would result in hard features in an otherwise green landscape.

13. Whilst the appellant has referred to the provision of landscaping, it would inevitably take several years for any new planting to resemble the mature vegetation that is currently prevalent on Birchall Lane.

14. The appellant has produced a table of the scale and ratios of development in the area. However, any proposed development has to be assessed on its own merits with regard its own specific location. The prominent location of the appeal site is for example very different to the symmetrical line of properties on the opposite side of Rivendell Lane.

15. The Council has indicated by granting a separate application planning permission for Plot 2 that it considers Plot 2 by itself to be acceptable. The refusal reason for this appeal relates only to Plot 2 with regard to the suitability of the site for two dwellings rather than any issues relating to the character and appearance of Plot 2.

16. Having considered the evidence, I see no reason to disagree with the Council that Plot 2 in terms of its individual character and appearance is acceptable as its siting, appearance and design are very different to Plot 1. The proposal for

Plot 2 is for a more modest dwelling in a less prominent location and visually is more associated with Rivendall Lane than Birchall Lane.

17. However, the appeal proposal is for both plots and, for the reasons stated, I consider that the combination of plots 1 and 2 with the current design and siting of Plot 1 would amount to an over intensive development, inconsistent with the spacious character of the surrounding area.

18. Both parties seek to rely upon appeal decisions in the vicinity to support their case. Whilst there are similarities in terms of the location between the current appeal location and the appeal at Heather Hills, Birchall Lane, as it is very close to the appeal site, each case does have to be assessed on its own merits with regard to its own particular facts.

19. The appellant has referred to a fall-back position with regard to Plot 2 but there is no dispute between the parties with regard to Plot 2 that now has the benefit of planning permission and it is a matter for the appellant as to when he implements that.

20. However, I do not consider that the fall back in respect of Plot 2 has any wider implications with regard to the appeal proposal.

21. The Council has referred to the site only ever being intended to accommodate one house as shown by the historic outline but any future application for planning permission for any part of the appeal site would need to be assessed on its own merits.

22. I therefore conclude that the appeal proposal which includes plots 1and 2 would be harmful to the character and appearance of the area. It would conflict with Policy DC1 of the Staffordshire Moorlands Core Strategy Development Plan Document (26th March 2014) (the Core Strategy)which states amongst other things that new development should be of high quality, add value to the local area, and be designed to respect the site and its surroundings. It would also conflict with the principles of chapter 12 "Achieving well-designed places" of the Framework".

Other matters

23. The Council is not able to demonstrate that it has a five year supply of housing land and therefore the presumption in favour of sustainable development in paragraph 11 of the National Planning Policy Framework applies. Policy SS1a of the Core Strategy replicates the presumption in favour of development from the Framework

24. Whilst it is not in dispute that the appeal site is well located in terms of access to shops, services and other facilities, the Framework states that good design is a key aspect of sustainable development. I have found that the development would cause harm to the character and appearance of the area, contrary to Core Strategy Policy DC1. There would be a small social benefit in the provision of a housing unit and economic advantages would arise from the construction and occupation of a new house. I also note that the proposal would make a modest contribution towards housing numbers.

25. However, the harm that the proposed development would cause to the character and appearance of the area would be both significant and lasting.

This adverse impact significantly and demonstrably outweighs the modest benefits that would be derived from the development.

Conclusion

26. For the reasons given and having regard to all other matters raised, I conclude that the appeal should be dismissed.

Eileen Griffin

Inspector