The Planning Inspectorate

Appeal Decisions

Site visit made on 20 May 2019

by David Fitzsimon MRTPI

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

Decision date: 12 June 2019

Appeal A Ref: APP/B3438/W/19/3223550
Hillswood Lodge, 9 The Close, Leek Road, Endon ST9 9JH

- 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 Hillswood Care Ltd against the decision of Staffordshire Moorlands District Council.
- The application Ref SMD/2018/0780, dated 12 December 2018, was refused by notice dated 15 February 2019.
- The development proposed is a two storey side extension.

Appeal B Ref: APP/B3438/W/19/3223551
Hillswood Lodge, 9 The Close, Leek Road, Endon ST9 9JH

- 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 Hillswood Care Ltd against the decision of Staffordshire Moorlands District Council.
- The application Ref SMD/2018/0082, dated 3 February 2018, was refused by notice dated 31 August 2018.
- The development proposed is two storey side extension.

Application for Costs

1. An application for costs was made by the Appellant Company against the Council, which is the subject of a separate decision.

Decisions

Appeal A Ref: APP/B3438/W/19/3223550

2. The appeal is dismissed.

Appeal B Ref: APP/B3438/W/19/3223551

3. The appeal is dismissed.

Procedural Matter

4. The Appeal B proposal was submitted to and determined by the Council before the Appeal A scheme. The Appeal A extension includes a flat roof rear section in an attempt to address the Council's concerns about the Appeal B proposal.

Main Issues

5. The main issues are the effect of the proposal on the living conditions of the occupiers of the nearest dwellings of Hillside Avenue with particular regard to

outlook (both cases), along with the effect of the proposal on the character and appearance of the local area (Appeal A).

Reasons

Living conditions (both cases)

6. The appeal relates to a large detached property. It sits within a cul-de-sac off the main Leek Road and is used as a residential care home for elderly people. Both proposals would be subservient to the main building. The frontages of both schemes would be finished in appropriate external materials and would harmonise with the character and appearance of the host building. Both schemes would be positioned about 3 metres from the tall fence which defines the rear boundary and the ground level upon which the extensions would be built is slightly lower than garden levels of the properties of Hillside Avenue to the rear.

7. Other than rooflights, neither scheme includes windows to the first floor rear elevation. This approach would avoid any significant overlooking of the properties of Hillside Avenue. I am also mindful that both schemes would replace an existing two storey annex building know as 'The Cottage', which sits close to the boundary and has a first floor window to the rear elevation which directly overlooks the properties to the rear.

8. The bungalows at both Nos. 3 and 5 Hillside Avenue have long rear gardens, with the garden of No. 5 being over 25 metres deep. The Appellant Company refers to the Council's adopted Supplementary Planning Guidance titled '*Space About Dwellings*' (SPG). This guidance suggests that there should be at least 22 metres between main rear elevations in order to safeguard adequate levels of privacy. The SPG also promotes minimum rear garden depths of 11 metres. The guidance does not specifically refer to outlook and I note that it refers to separation distances between dwellings, rather than dwellings and large buildings which accommodate care homes. I therefore attach only limited weight to this document in considering the appeal.

9. Notwithstanding the above, I consider the promotion of minimum garden depths to be a sensible approach as it helps to ensure that buildings are set a comfortable distance from shared boundaries. The extensions proposed in the two cases before me would sit just 3 metres or so from the rear boundary of the appeal site. Even accounting for the flat roof section of the Appeal A proposal, both would be tall two storey structures. Each would span well beyond the full width of the rear garden of No. 3 Hillside Avenue and a large proportion of that of No. 5.

10. I am satisfied that the depth of the rear gardens of these dwellings would ensure the proposed extension in each case would not be unduly overbearing when seen from within the bungalows themselves. However, when seen alongside the existing two storey care home and due to their overall scale and proximity to the shared boundary, I consider that the extension in each case would be unduly dominant for occupiers when enjoying their rear gardens.

11. I also share the Council's view that the level of dominance arising from the proposed extension (in each case) would be more harmful than any overlooking that might occur if The Cottage annex was occupied. Equally, I am not satisfied that the existing mature tree within the garden of No. 3, or the

planting of a 2 metre high native hedge along the rear boundary with a view to it eventually growing to a height of 4.2 metres, would adequately mitigate this harmful impact.

12. For the above reasons, I find that both proposals to extend the care home would be overbearing and would unacceptably harm the living conditions for the occupiers of the nearest dwellings of Hillside Avenue. In this respect, they conflict with policies HC1 and DC1 of the Council's adopted Local Development Framework Core Strategy Development Plan Document (CS).

Character and appearance (Appeal A)

13. In attempting to reduce the impact of the proposed two storey extension on the living conditions of the occupiers of the dwellings of Hillside Avenue, the Appeal A scheme introduces a flat roof to the nearest rear section of the extension.

14. To my mind, the large expanse of flat roof would not materially reduce the dominance of the overall structure, but it would give it a cumbersome appearance, relating poorly to the more traditional design of the host building. Whilst this element of the extension would not be widely visible from the public domain, glimpses of this unsympathetic addition would be possible through the gaps between the bungalows of Hillside Avenue. It would also be clearly visible from the rear gardens of the bungalows themselves.

15. Whilst I am mindful that some flat roof structures are present within the locality, from what I saw, these seemed to be limited to modest domestic garages, which are not of a comparable scale. The Appellant Company has suggested that any visual harm would be mitigated by the planting of a hedge along the boundary. However, as explained, the hedge would be planted at a height of 2 metres and it would take some time to reach the intended 4.2 metres tall. In any event, screening does not justify poor quality design.

16. For the above reasons, I find that the flat roof design of the Appeal A scheme would not respond well to its surroundings and it would harm the well ordered character and appearance of the local area. In this respect also, the proposal conflicts with policies H1 and DC1 of the CS.

Other considerations

17. I understand that both designs have been influenced by the need to tie into the floor levels of the existing care home, to avoid steps and ramps and to provide wide corridors and doorways. In addition, I appreciate that both local and national planning policies support the expansion of a specialist accommodation for elderly people to meet the demands of an ageing population by utilising previously developed land in a sustainable location. I also note the national and local policy support for the expansion of existing businesses and the creation of additional employment opportunities. However, this should not be at any cost and I consider that the harm arising from each proposal outweighs these positive aspects.

Overall Conclusions

18. I conclude that both proposals would have an overbearing effect on the occupiers of the nearest dwellings of Hillside Avenue whilst the Appeal A scheme would harm the character and appearance of its surroundings. The

arguments advanced by the Appellant Company in favour of the schemes do not outweigh their failings and policy conflict therefore the appeals do not succeed.

David Fitzsimon

INSPECTOR