Appeal Decision

Site visit made on 30 October 2013

by Roger Dean BSc DipTP MRTPI

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

Decision date: 20 November 2013

Appeal Ref: APP/B3438/A/13/2203608
3 Conway Grove, Cheadle, Staffordshire ST10 1QG

- 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 and Mrs K Ferguson against the decision of Staffordshire Moorlands District Council.
- The application Ref 13/00403/OUT, dated 22 April 2013, was refused by notice dated 21 June 2013.
- The development proposed is the erection of a dwelling.

Application for Costs

1. An application for costs was made by Mr and Mrs K Ferguson against Staffordshire Moorlands District Council. This application is the subject of a separate decision.

Procedural Matter

2. The planning application was made in outline with all detailed matters reserved for further approval. On this basis, I regard the site plan showing the location of the proposed dwelling as having been submitted for indicative purposes only.

Decision

3. The appeal is allowed and outline planning permission is granted for the erection of a dwelling at 3 Conway Grove, Cheadle, Staffordshire in accordance with the terms of the application, Ref 13/00403/OUT, dated 22 April 2013, subject to the conditions listed in the schedule at the end of this decision.

Main Issue

4. This is the effect of the development on the character and appearance of the area.

Reasons

5. The appeal site comprises the rear part of a sizeable private garden of a modern dwelling which lies within the development boundary of Cheadle. Access would be gained from Plantation Drive, a private lane that leads to open countryside nearby.

6. The present garden boundary onto the lane is marked by a paling fence with garden planting behind and a grass verge in front. Similar treatment defines the boundaries of neighbouring properties onto the northern side of the lane, apart from one adjoining the appeal site where there is a large garage and hardstanding. Immediately opposite the site is a large modern detached house with the lane edged by wooden panel fencing in front of a high coniferous hedge which continues along the remaining southern side of the lane.

7. These features give this part of the lane an unmistakable suburban character, contrasting with the rural ambiance which comes into being as the lane continues beyond the site to cross open fields to the east.

8. I agree with the assessment made in the Council officer's report that a dwelling could be accommodated to give a satisfactory separation distance to the existing property at the site. Under the scheme, the resultant plot sizes would be smaller than those close-by but there would not be a marked difference with others in the wider surroundings.

9. Information submitted with the proposal clearly indicates that a modest sized dwelling is intended. As the plot width is the same as the existing dwelling on the site, I see no reason why the proposal would necessarily appear cramped. I also do not envisage that a dwelling of an appropriate design would cause a significant loss of amenity in adjoining gardens.

10. With regard to protected trees in an adjoining garden, I saw at my visit that the branches do not spread onto the appeal site and that a dwelling of moderate size would not unduly affect their setting. Submitted evidence also shows that root spread would be unaffected.

11. Given the surroundings of the appeal site as I have described, I consider that a dwelling of appropriate design could be satisfactorily assimilated into the area. As well as other matters to be reserved for subsequent approval, this would be subject to landscape treatment around the dwelling which might include some planting alongside the lane to soften the foreground.

12. Whilst the Council is concerned that a precedent might be created making it difficult to resist development proposals in other gardens, my findings relate to the particular circumstances of the site as I have described. I see no reason why any other proposals that may emerge in the area could not also be considered on their individual merits.

13. I conclude on the main issue arising in this case that the proposed development would not be harmful to the character of the area. I see no reason also why good design could not be achieved in this instance to protect local appearance and to meet the requirements of Policies B13 and H4 in the Staffordshire Moorlands Local Plan. Good design would also ensure compliance with the National Planning Policy Framework.

14. Turning now to other matters arising in this case, a preliminary scheme has been submitted to divert a culverted land drain which passes through the site. Local residents have expressed concerns that flooding previously experienced in the area would not be overcome and indeed could be exacerbated by the proposed development. However, the preliminary scheme has been found acceptable by those bodies charged with flood prevention and there is no

compelling evidence to persuade me otherwise. I therefore see no reason why the appeal proposal should not progress subject to approval of a fully detailed drainage scheme.

15. Whilst Plantation Drive is narrow and its surface uneven, I am satisfied that it could safely accommodate the low level of additional traffic generated by the proposed development. The fact that the lane is owned in parts by others is a private matter between the parties concerned and not fundamental to my planning considerations.

16. I have considered all other matters that have been raised in this case but nothing draws me away from a conclusion that the appeal should succeed on the basis of my findings under the main issue.

17. Conditions have been suggested by the local planning authority for such an outcome. As well as the standard conditions relating to outline permission, including the statutory time limit for the commencement of development, I shall stipulate adherence to the plans submitted so far for the avoidance of doubt and in the interests of proper planning. As I have already indicated, I shall specify that full drainage details are approved and implemented before occupation, in the interests of flood prevention. Additionally, I consider that a restriction on construction hours is necessary to protect the living conditions of nearby residents.

18. However, having regard to the low volume of traffic using the lane, I do not find it necessary at this stage to prescribe turning and servicing space within the site for reasons of highway safety. I am also not persuaded that there is a need for a contaminated land or imported soil assessment in this instance, given that the site is already in use as a residential garden and that no specific risk has been identified.

R G Dean

INSPECTOR

SCHEDULE OF CONDITIONS

1) Details of the access, appearance, landscaping, layout, and scale, (hereinafter called "the reserved matters") shall be submitted to and approved in writing by the local planning authority before any development begins and the development shall be carried out as approved.

2) Application for approval of the reserved matters shall be made to the local planning authority not later than three years from the date of this permission.

3) The development hereby permitted shall begin not later than two years from the date of approval of the last of the reserved matters to be approved.

4) The development hereby permitted shall be carried out in accordance with the following approved plans: Location Plan and Existing Site Plan.

5) The development hereby permitted shall not commence until details of the disposal of foul and surface water have been submitted to and approved in writing by the local planning authority. The works shall be carried out as approved before the dwelling hereby permitted is occupied.

6) The development hereby permitted shall not commence until detailed plans and specifications for the diversion of the culvert through the site have been submitted to and approved in writing by the local planning authority. The works shall be carried out as approved before the dwelling hereby permitted is occupied.

7) Construction works shall not take place outside 0800 hours to 1800 hours Mondays to Fridays and 0800 hours to 1300 hours on Saturdays nor at any time on Sundays or Bank Holidays.