The Planning Inspectorate

APPENDIX B

Appeal Decision

Site visit made on 15 August 2017

by V Lucas-Gosnold LLB MCD MRTPI

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

Decision date: 13th September 2017

Appeal Ref: APP/B3438/W/17/3176024
9 Conway Grove, Cheadle, 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 D Heath against the decision of Staffordshire Moorlands District Council.
- The application Ref SMD/2016/0671, dated 20 October 2016, was refused by notice dated 7 April 2017.
- The development proposed is the erection of a detached dwelling.

Decision

1. The appeal is allowed and planning permission is granted for the erection of a detached dwelling at 9 Conway Grove, Cheadle, ST10 1QG in accordance with the terms of the application, Ref SMD/2016/0671, dated 20 October 2016, subject to the conditions set out in the Schedule attached to this Decision.

Procedural Matter

2. The application to which this appeal relates was submitted in outline with all matters except access and layout reserved for determination at a later date. I have dealt with the proposal on that basis.

Main Issues

3. The main issues are:

    - The effect of the proposal on the character and appearance of the area;
    - The effect of the proposal on the living conditions of neighbouring occupants, with particular regard to privacy; and
    - Whether the proposal would provide acceptable living conditions for future occupants.

Reasons

Character and appearance

4. The appeal site forms part of the garden area of 9 Conway Grove. It is proposed to erect a detached dwelling at the rear of the garden. There is a narrow, surfaced lane known as Plantation Drive that runs along the rear boundary of the site and access to the proposed dwelling would be taken from this lane.

5. The site is within the built up area of Cheadle for the purposes of the Development Plan. No. 9 is a two storey house situated on a cul-de-sac of dwellings within an established residential estate. Whilst Plantation Drive is a narrow lane, the views along it close to the appeal site are dominated by the dwellings along Conway Grove that back onto it. Features including wooden panel boundary fencing, gardens, views of the dwellings themselves and garages all combine to give the area a distinctly suburban appearance that has a strong relationship with the surrounding residential area of Cheadle.

6. I accept that as one passes beyond the dwellings of Conway Grove, the character of the lane becomes more rural as the views open out across fields where there are horses grazing. However, the edge of Conway Grove forms a distinct visual separation between the different rural and suburban characters of the lane. The appeal site is well within the suburban part.

7. Added to this, an appeal decision[1] has resulted in the construction of a single storey dwelling at the rear of No. 3 Conway Grove, taking access from Plantation Drive. Whilst I note the Council officer's comments regarding the visual impact of the dwelling on the area, the fact is that it forms part of the streetscene and an assessment of the character of the area must take it into account.

8. The previous Inspector also concluded that this part of the lane has 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. This finding is in accordance with my own observations and I give considerable weight to it, particularly as No. 3 is closer to the rural part of the lane than No. 9.

9. Whilst scale and appearance are reserved matters, information submitted with the appeal indicates that a single storey dwelling is proposed. As such, the proposed construction of a dwelling similar in scale to that which has been constructed at the rear of No. 3 would not be seen as an incongruous feature. There are also single storey detached garages next to No. 3 between that property and the appeal site which also form part of the streetscene and would assist with the visual assimilation of the proposal into the established suburban character of the area. Based on the plans submitted with the appeal, which shows the proposed layout of the site, the space about the dwelling would be similar to that of the house constructed at the rear of No.3. The proposal would therefore not appear cramped such that it would be harmful to the character and appearance of the area.

10. The Council officer's report seeks to draw a distinction between the sites at No. 3 and No. 9. This is based on a few metres difference here and there in terms of the size of the two sites, a difference in setback of the constructed house and the proposal of between 2.5 to 3 metres and a 2m distance from the sites to the edge of the grass verge. However, given the proximity of the two sites to one another, the fact that they form part of the same streetscene and that information submitted with the appeal indicates that a similar dwelling is proposed to that which has been constructed at No. 3; these are not sufficiently robust reasons to disregard the previous appeal scheme from consideration.

[1] APP/B3438/A/13/2203608

11. Accordingly, I conclude that the proposal would not be harmful to the character and appearance of the area. The proposal would not therefore conflict with policies SS1, SS5c, H1 and DC1 of the Staffordshire Moorlands Core Strategy Development Plan Document (adopted March 2014) (CS), which together seek to ensure that new development secures a high quality environment, relates well to the urban area, has regard to the characteristics of the site and is well designed and reinforces local distinctiveness. Nor would the proposal conflict with the National Planning Policy Framework (Framework) which seeks to ensure that planning should always seek to secure high quality design (paragraph 17).

Living conditions

12. The Council's 'Space about dwellings' Supplementary Planning Guidance (Adopted 1996) states that the distance between facing windows in the rear elevations of dwelling should be at least 27.4m but that this can be reduced if permitted development rights are removed to 21.3m.

13. The separation distance between the proposed dwelling and the rear elevation of No. 9 would be approximately 20.3m which is marginally short of the minimum separation distance indicated in the SPD. The submitted plan indicates that a window in the side elevation that would serve the main master bedroom would be approximately 4m from the side boundary of the garden of No. 11, whereas the SPD advises that 6m should be achieved.

14. Whilst the proposal may fail to meet some of the minimum distances set out in the SPD, as the plans show that it would be a single storey dwelling with a boundary fence erected in between the property and No. 9, I am satisfied that the proposal would not be harmful to the privacy of the occupants of No. 9. This is particularly so given that the site is situated in an established residential area, where there is already a degree of overlooking due to the proximity of neighbouring houses. Furthermore, given the single storey nature of the proposal, it would also not be seen as an overbearing feature.

15. Whilst the proposed bedroom serving the master bedroom may fall marginally short of the SPD's separation distance guidance, the plans show that there would also be two secondary windows in the main rear elevation that would have a greater separation distance between the boundary of the site. I am therefore satisfied that the outlook from the proposed master bedroom would be sufficiently open and light. The plans also show that the driveway to the side of the proposal along with the rear garden would provide sufficient space about the propose dwelling. I am therefore satisfied that the proposal would provide acceptable living conditions for future occupants.

16. Accordingly, I conclude on this main issue that the proposal would not be harmful to the living conditions of neighbouring occupants, with particular regard to privacy and the proposal would also provide acceptable living conditions for future occupants. The proposal would not therefore conflict with policies SS1, SS5c, H1 and DC1 of the CS, which together seek to ensure that new development contributes positively and relates well to the area, that all new dwellings are of sufficient size to provide satisfactory levels of amenity for future occupiers whilst respecting the privacy and amenity of existing occupiers and protects the residential amenity of the area. Nor would the proposal conflict with the Framework which seeks to ensure that planning should always

seek to secure a good standard of amenity for all existing and future occupants of land and buildings (paragraph 17).

Other Matters

17. I note that the proposal would provide one additional dwelling that would be suitable to meet the needs of elderly people and that the appeal site is located in an accessible location to nearby goods and services. This is a matter that weighs in favour of the proposal.

18. Whilst I have had regard to the other appeal decision submitted by the appellant, as the main issue in that case related to development in the Green Belt and the site is within a different Local Planning Authority area; it does not appear sufficiently similar to the circumstances of the case before me.

19. I note the comments submitted by a neighbouring occupant regarding the effect of the proposal on the culvert. However, the plans show that it would be diverted and the Council have not objected to the proposal in this respect. I am satisfied that the proposal would not be harmful in this regard and that conditions could also be attached to ensure that the proposal would not be harmful in terms of drainage.

Conclusion and Conditions

20. For the reasons given above, I conclude that the appeal should be allowed.

21. I have attached the standard conditions for an outline permission, including the definition of the reserved matters. As access and layout are for determination at this stage, I have also attached a condition requiring the development to be carried out in accordance with the approved plans in so far as they relate to these matters.

22. In the interests of highway safety and to control surface water run off onto the highway, conditions are necessary requiring details of parking and turning, surface water drainage and surfacing materials. A condition is also necessary to control the disposal of foul and surface water, to ensure that drainage is adequate.

23. I have also attached conditions relating to the disposal of waste and the control of dust to protect the amenity of neighbouring occupants as the site is in a residential area.

24. The Council have suggested a condition controlling the hours of operation during the construction phase of the scheme. Whilst I appreciate that the site is within an established residential area, the scheme is for one dwelling and therefore small scale and unlikely to cause significant harmful disruption to neighbouring occupants. The condition is not therefore justified.

25. Conditions relating to contaminated land have also been suggested. However as the site is part of a garden within an established residential area, there is little evidence before me to indicate that the site may be contaminated due to previous uses. The conditions are not therefore justified.

26. The Council also suggested a condition that would remove permitted development rights under A, B, C, D, E and F for future occupants of the development. The PPG states that conditions restricting the future use of permitted development rights will rarely pass the test of necessity and should

only be used in exceptional circumstances. The PPG goes on to state that the blanket removal of freedoms to carry out small scale domestic and non-domestic alterations that would otherwise not require an application for planning permission are unlikely to meet the tests of reasonableness and necessity. The Council's SPG does allow for a reduction in the separation distance between windows in rear elevations should PD rights be removed. However, in this case given the proposal is for a single storey property, that suitable boundary treatments could screen the proposal from neighbouring properties and the fact that it is within an established residential estate where there is already a degree of established overlooking, this does not amount to exceptional circumstances that would justify the blanket removal of permitted development rights on this occasion.

V Lucas-Gosnold

INSPECTOR

SCHEDULE OF CONDITONS

1) Details of the appearance, landscaping, and scale, (hereinafter called "the reserved matters") shall be submitted to and approved in writing by the local planning authority before any development takes place 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 3 years from the date of this permission.

3) The development hereby permitted shall take place either before the expiration of three years from the date of this permission, or before the expiration of two years from the date of approval of the last of the reserved matters to be approved.

4) The development hereby approved shall be carried out in accordance with the following submitted plan: 8461 AL01Rev B

5) No development hereby approved shall be commenced until full details of the following have been submitted to and approved in writing by the Local Planning Authority:

    i) Provision of parking, turning and servicing within the site curtilage;

    ii) Means of surface water drainage;

    iii) Surfacing materials.

    The development shall thereafter be implemented in accordance with the approved details and be completed prior to first occupation of the development.

6) The development hereby permitted shall not be brought into use until details of a surface water drainage interceptor, connected to a surface water outfall or draining to SUDS principles, have been first submitted to and approved in writing by the Local Planning Authority. The drainage interceptor shall thereafter be provided across the access on or close to

the private road and thereafter maintained for the life of the development, unless otherwise agreed in writing by the Local Planning Authority.

7) The development hereby permitted shall not commence until drainage plans for the disposal of foul and surface water flows have been submitted to and approved in writing by the Local Planning Authority. The scheme shall be implemented in accordance with the approved details before the development is first brought into use.

8) Any waste material associated with the demolition or construction shall not be burnt on site but shall be kept securely for removal to prevent escape into the environment.

9) During any demolition and construction activities the contractor shall pay due regard to the Building Research Establishment Guidance Document 'Control of Dust from Construction and Demolition Activities' (BR456), and take all reasonable steps to prevent dust formation and prevent any dust formed from leaving the site boundary.