The Planning Inspectorate

Appeal Decision

Site visit made on 6 July 2020

by David Carter BSc MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 19th October 2020

Appeal Ref: APP/B3438/W/20/3245760
138 Congleton Road, Biddulph ST8 6QL

- 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 Patrick Frain against the decision of Staffordshire Moorlands District Council.
- The application Ref SMD/2019/0467, dated 24 July 2019, was refused by notice dated 29 October 2019.
- The development proposed is erection of single dwelling.

Decision

1. The appeal is dismissed.

Preliminary Matters

2. The application is in outline with all matters reserved. Plan 4b (the site plan) indicates an access point to the north of 138 Congleton Road. It also indicates the position of a dwelling on the site. However, access and layout are matters reserved for future consideration. I therefore treat this plan as indicative-only.

3. Notwithstanding this, the design and access statement does indicate that access to the intended property would be from Congleton Road in the form of a drive in drive out forward gear access. While this is not demonstrated on the plan, I have been able to attach some weight to this aspect in considering whether an acceptable scheme is capable of being advanced at the reserved matters stage.

4. As part of the appeal, the appellant submitted further revised plans (Plans 6 and 7), which sought to overcome the Council's concerns by showing different arrangements for access and positioning of the proposed dwelling. However, since the appeal site shown on Plans 6 and 7 differs in substance from that applied for, other parties' interests could be prejudiced, so I shall not consider Plans 6 and 7.

5. The Design and Access Statement suggests the proposed development would be a 3 or 4 bed bungalow/dormer bungalow.

Main Issues

6. The main issues are the effects of the proposed development in respect of:

   (i) highway safety and,
   (ii) the living conditions of the occupiers of both existing nearby dwellings and

the proposed dwelling in respect of outside space, privacy, and noise and disturbance.

Reasons

Highway safety

7. The proposed dwelling would be sited within the large rear garden of a detached bungalow (No 138). Neighbouring dwellings are a mix of detached and semi-detached houses and bungalows. The age and style of construction varies. Although access is reserved for subsequent approval, the backland nature of the site and the information before me suggests that any access to the site would be from Congleton Road, which is designated the A527 and is a busy road linking Stoke-on-Trent and Congleton. A zebra crossing lies adjacent to the southern boundary of No 138. This provides for a safe pedestrian crossing close to a complex junction and leads to the Biddulph Arms and a hot food takeaway on the opposite side of the road.

8. In many circumstances the construction of a new access, either separate, or shared, would not be problematic. However, the appeal site lies very close to a complex junction comprising, the A527 in both directions, Smithy Lane to the east, with Halls Road and Mow Lane to the west.

9. On my mid-afternoon, weekday site visit, I witnessed a high volume of mixed traffic and frequency of turning movements at this complex junction. Approaching the appeal site from the south along Congleton Road would require a vehicle turning right into the appeal site to be in direct conflict with any vehicle coming along Congleton Road from the north and turning right into Halls Road. This turning manoeuvre would require a driver to carry out the direct opposite manoeuvre to that indicated by the right turn arrow.

10. While I appreciate the appeal proposal would be for a single dwelling, I find that the construction of a new access would add to the complexity of the operation of the public highway and represent an unnecessary additional hazard both to other vehicles and pedestrians.

11. The other accesses in the locality referred to by the appellant do not have the same specific circumstances in the public highway as those outside the appeal site since they are not co-located by the complex junction, so they provide little support for the proposal.

12. Accordingly, I conclude that the appeal proposal would represent an unacceptable risk to highway safety through the positioning of a new access close to a complex existing junction and zebra crossing. As such, the proposal would be contrary to the provisions of Policies DC1 and T1 of the Staffordshire Moorlands Core Strategy (adopted 2014) (CS). These policies seek to ensure that new development provides for safe and satisfactory access where the highway network can accommodate the traffic generated. Highway safety is also afforded high significance in relation to the provisions of the Government's National Planning Policy Framework (the Framework) and, in particular, paragraph 109.

Living conditions

13. The large rear existing garden of No 138 slopes downwards in a generally northerly direction towards the adjacent properties on Smithy Lane. This

means that the proposed dwelling would sit below the level of the rear gardens of dwellings on Ox Hey Crescent but would be somewhat higher than the dwellings on Smithy Lane.

14. Due to the shape of the rear garden of No 138 there would be scope for the proposed dwelling to be sited towards the western boundary, where it could be close to the boundaries of other properties on 3 sides. Given the uncertainty over the location and orientation of the proposed dwelling, it is unclear what the separation distances would be, in particular from No 2 Smithy Lane. Given the sloping site, this would potentially result in the proposed dwelling overlooking No 2. To help mitigate the impact on No 2, the appellant has suggested a 2m boundary fence but, in my view, this might have limited benefit because the dwelling at No 2 is only a short distance from the common boundary. The occupiers of the dwellings on Ox Hey Crescent have also raised objections regarding the proximity of the proposed dwelling to their properties. However, the impact would be less severe as the sloping ground would mitigate those effects to some degree.

15. Given the backland nature of the site coupled with its shape and configuration it is likely that the proposed dwelling would be sited in close proximity to adjoining dwellings. Accordingly, the privacy of the occupiers of nearby dwellings, especially those on Smithy Lane, as well as occupiers of the new dwelling would be compromised. The extent and useability of the garden area to serve the proposed dwelling is not clear from the evidence before me although, the retained garden area to the existing dwelling at No 138 would be adequate, being considerably larger than that available to some of the adjoining properties.

16. In order to accommodate the new dwelling on the site, the illustrative plan shows the proposed development would include a long driveway running past the existing bungalow and the retained garden area of No 138, as well as the entire length of the plot to No 140, to a new garage and turning area. This has led to suggestions that there would be additional noise disturbance to adjoining dwellings. There is little doubt that the proposal would result in these effects but, given the development comprises a single dwelling, the likely frequency of such disturbances would be relatively low.

17. I conclude that the proposed dwelling is likely to have adverse effects on the living conditions of the occupiers of adjacent properties, especially those on Smithy Lane and the potential future occupiers of the new dwelling as a consequence of overlooking and loss of privacy. Accordingly, the proposal conflicts with Policy DC1 of the CS which seeks, amongst other things, to encourage high quality design in new development protecting the amenity of the area in terms of outlook and privacy. The Government also attaches considerable importance to high quality design in new development as set out in section 12 of the Framework.

Other Matter

18. The Council cannot demonstrate a 5-year supply of housing land. This means that paragraph 11d) of the Framework, with its presumption in favour of sustainable development, is engaged. However, the addition of a single dwelling to the supply would not outweigh the harm I have found above. Therefore, the adverse effects of granting planning permission would

significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole.

Conclusion

19. I conclude that the appeal should be dismissed.

David Carter

INSPECTOR