The Planning Inspectorate

Appeal Decision

Site Visit made on 9 November 2021

by Bhupinder Thandi BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 26 November 2021

Appeal Ref: APP/B3438/W/21/3277078
Opposite No 15 Prince George Street, Prince George Street, Cheadle, Staffordshire ST10 1HX

- 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 Mrs P Hall against the decision of Staffordshire Moorlands District Council.
- The application Ref SMD/2020/0537, dated 10 September 2020, was refused by notice dated 22 January 2021.
- The development proposed is conversion of garage (including increasing the height of the building) to form a single bedroom residential unit.

Decision

1. The appeal is allowed and planning permission is granted for conversion of garage (including increasing the height of the building) to form a single bedroom residential unit opposite No 15 Prince George Street, Prince George Street, Cheadle, Staffordshire ST10 1HX in accordance with the application SMD/2020/0537, dated 10 September 2020, subject to the Schedule of conditions at the end of this decision.

Procedural Matters

2. I have taken the appeal site address listed on the appeal form. I have used this address in the banner heading above as it clearly identifies the site.

3. The revised National Planning Policy Framework (the Framework) has been published since the appeal was submitted. Both main parties have been given the opportunity to comment on this. My decision is made in the context of the revised Framework and I am satisfied that no interested party has been prejudiced by my approach.

Main Issues

4. The main issues are:

   - The effect of the proposed development upon the living conditions of the occupiers of 20 Prince George Street with regard to outlook; and

   - Whether the proposed development would provide acceptable living conditions for future occupants with regard to amenity space.

Reasons

Living conditions of neighbouring occupiers

5. The appeal property is a detached double garage located on one side of Prince George Street. The garage is set back from the road, with a frontage laid out to hardstanding. The land slopes away from the site to the High Street behind. To the rear of the site is a two storey dwelling and its amenity space which is set lower down behind the garage. The site is located within the Cheadle Conservation Area (CA).

6. The proposed development includes increasing the height of the building to accommodate a first floor. Whilst the rear wall would be taller and visible from the neighbouring garden it would not be overbearing or have a significant enclosing effect on outlook given the marginal increase in the height of the existing wall, and as the roof would slope away.

7. Assessing the scheme against the existing and proposed site circumstances I am satisfied that the change would not harm the living conditions of the occupiers of No 20.

8. I conclude that the proposed development would not adversely affect the living conditions of nearby occupiers. It would accord with Policy DC1 of the Staffordshire Moorlands Local Plan (2020) (LP) which, amongst other things, requires development to protect the amenity of the area including in terms of satisfactory daylight, sunlight and outlook. It would also accord with the Framework which, amongst other things, seeks to ensure that new development provides a high standard of amenity for existing and future users.

Living conditions for future occupiers

9. Prince George Street is a narrow one way street with parking restrictions in the form of yellow lines either side of the road. The area in front of the dwelling would be a shared parking and amenity space. However, given the inability to park on the road due to the traffic restriction orders it is more likely that the frontage would be used for the parking of vehicles rather than as a garden area.

10. Whilst no practical amenity space would be provided, I find that this would not be unacceptable. Given the modest size of the proposed dwelling it is unlikely to be occupied other than by a single person or couple who may not have the same amenity space requirements as a family. The site is located within an accessible location and future occupiers would have the ability to access nearby parks and the surrounding countryside which offsets the lack of a garden area. The absence of external amenity space is justified in this particular instance.

11. Consequently, I conclude that the living conditions of future occupiers would not be unacceptably compromised by the absence of amenity space. The proposed development would accord with LP Policy DC1 which, amongst other things, requires development to respect the site and its surroundings and appropriate, attractive, active and functional private environments. It would also accord with the Framework which, amongst other things, seeks to ensure that new development provides a high standard of amenity for existing and future users.

Other Matters

12. I note that the Council consider the proposal would not harm the character or appearance of the CA and I have no reason to disagree. The proposal would improve the appearance of the property to the benefit of the CA and would help to sustain the significance of this designated heritage asset, in accordance with the Framework.

Conditions

13. I have considered the imposition of conditions in accordance with the Framework and Planning Practice Guidance (PPG). I have undertaken some rationalisation of the conditions proposed by the Council in the interests of precision and clarity.

14. In addition to the standard time limit condition, I have imposed a condition specifying the relevant drawings as this provides certainty.

15. A condition in relation to external materials, windows, doors and the proposed wall is necessary in order to ensure the satisfactory appearance of the development.

16. In order to safeguard the living conditions of nearby occupiers and in the interests of highway safety a condition for a Demolition and Construction and Environmental Method Statement is necessary.

17. A condition preventing the installation of additional windows has been imposed in order to safeguard the living conditions of neighbouring occupiers.

18. The Council has suggested conditions for landscaping and trees. However, sufficient detail is shown on the plans. Furthermore, given the nature of the site it is unlikely that meaningful landscaping or tree planting would be feasible. As such, I do not consider it necessary or reasonable to impose the conditions.

19. The Council has suggested conditions for rainwater goods to be black in colour and applied to rise and fall brackets and for details of the eaves height, roof eaves and verges. However, I find that in this particular instance these conditions would not be necessary and have not been imposed as there is sufficient information on the approved plans.

20. No clear justification as set out in the PPG has been provided for the suggested condition relating to artificial lighting. I therefore have not imposed it.

21. I am not persuaded that a condition relating to access details is reasonable or necessary to make the development acceptable as the appellant has indicated that no new or amended access is proposed. As such, I have omitted the suggested condition.

22. The Council has suggested removing permitted development rights for the enlargement, improvement or other alteration of a dwellinghouse, construction of additional storeys, additions or alterations to the roof, the construction of a porch, a building or enclosure incidental to the enjoyment of the dwellinghouse, hard surfacing, chimneys and flues and microwave antennas falling within Classes A, AA, B, C, D, E, F, G and H of Schedule 2, Part 1 and gates, fences and walls, means of access to the highway and exterior painting falling within

Classes A, B and C of Schedule 2, Part 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (GPDO).

23. The PPG advises the blanket removal of freedoms to carry out small scale domestic alterations that would otherwise not require an application for planning permission are unlikely to meet the tests of reasonableness and necessity. In this instance I consider it would be unreasonable to impose such a blanket condition.

24. Given the provisions of the GPDO, the extent of the site and the layout proposed the enlargement, improvement or other alteration of the dwelling or a building or enclosure incidental to its enjoyment under Classes A and E would not be feasible. In addition, a porch under Class D and hard surfacing under Class F would be small scale and unlikely to harm the overall appearance of the development.

25. The Council has suggested removing permitted development rights for the enlargement of a dwellinghouse consisting of an addition or alteration to its roof under Class B; the construction of additional storeys under Class AA and the construction of new dwellings falling within Schedule 20, Part 2. However, the legislation is clear that such rights do not extend to dwellings on article 2(3) land, which includes conservation areas. As such, it is not necessary to remove permitted development rights in respect of these matters.

26. However, in the interests of maintaining the satisfactory appearance of the development I have determined that permitted development rights should be removed in respect of Classes C, G and H of Schedule 2, Part 1 and Classes A, B and C of Schedule 2, Part 2 of the GPDO.

Conclusion

27. For the reasons set out above the appeal succeeds.

B Thandi

INSPECTOR

Schedule of conditions

1) The development hereby permitted shall begin no later than 3 years from the date of this decision.

2) The development hereby permitted shall be carried out in accordance with the following approved plans: Proposed Floor Plans Drawing Number 20/604/02/A; Proposed Elevations Drawing Number 20/604/03/A and Location and Site Plan/Roof Plan Drawing Number 20/604/04/A.

3) No development shall commence until details and samples of the materials to be used in the construction of the external surfaces of the development including external windows and doors and the new boundary wall hereby permitted have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details and samples.

4) No development shall take place, including any works of demolition, until a Demolition and Construction and Environmental Method Statement has been submitted to, and approved in writing by the local planning authority. The Statement shall provide for:

    - The hours of work, which shall not exceed the following: Construction and associated deliveries to the site shall not take place outside 0800 to 1800 Mondays to Fridays, and 0800 to 1300 on Saturdays, nor at any time on Sundays or Bank Holiday;
    - The arrangements for prior notification to the occupiers of potentially affected properties;
    - The responsible person (eg site manager/office) who could be contacted in the event of complaint;
    - A scheme to minimise dust emissions arising from construction activities on the site. The scheme shall include details of all dust suppression measures and the methods to monitor emissions of dust arising from the development. The approved dust suppression measures shall be maintained in a fully functional condition for the duration of the construction phase;
    - A scheme for recycling/disposal of waste resulting from the construction works;
    - During construction/demolition phases amplified music and/or radios shall not be audible beyond the site boundary.
    - No waste material associated with the demolition or construction hereby permitted shall be burnt on site but shall be kept securely for removal to prevent escape into the environment.

5) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking and re-enacting that Order with or without modification), no windows other than those expressly authorised by this permission shall be constructed on any part of the development.

6) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking and re-enacting that Order with or without modification), no alterations to the

roof, chimneys and flues and microwave antennas falling within Classes C, G and H of Schedule 2, Part 1 and gates, fences and walls, means of access to the highway and exterior painting falling within Classes A, B and C of Schedule 2, Part 2 shall be carried out.