The Planning Inspectorate

Appeal Decision

Site visit made on 14 June 2022

by K Stephens BSc (Hons) MTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 27th June 2022

Appeal Ref: APP/B3438/W/22/3292936
28-30 Tunstall Road, Biddulph ST8 6HH

- 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 Bargain Booze Biddulph against the decision of Staffordshire Moorlands District Council.
- The application Ref SMD/2021/0647, dated 28 September 2021, was refused by notice dated 14 January 2022.
- The development proposed is for a single storey rear/side extension forming a store room.

Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are:

   - The effect of the proposed development on the character and appearance of the area,
   - The effect of the proposal on the living conditions of existing occupiers of No.26 Tunstall Road (No.26) with particular regard to outlook, and
   - The effect of the proposed development on highway safety with particular regard to parking.

Reasons

Character and appearance

3. The property is a two-storey building at the end of a terrace of period properties, although the property itself appears to have been rebuilt more recently. It is an off-licence and convenience store at ground floor, with a flat or office on the first floor. The property is located on the corner of Tunstall Road, a main route into Biddulph close to the High Street and town centre, and Lorena Close which is a modern residential cul-de-sac. Whilst there are a mixture of building styles, those in the immediate area are traditional pitched roof properties. Due to the width of the junction with Lorena Close the property and its side elevation occupy a prominent location in the street scene. The rear of the appeal property, and those of the terrace to which it is attached, are easily visible to residents of Lorena Close.

4. At the rear, the property has a catslide extension which continues the roof slope and brick dentil course and corbeling of the main property. There is also

a rear single-storey flat-roof extension to the side of the catslide extension, adjacent to No.26. There is an open concrete yard at the rear that was used for the storage of refuse bins, but is large enough to provide an off-street parking space for staff/residents, accessed via the dropped kerb off Lorena Close. Between the side of the property and the back edge of the pavement along Lorena Close two off-road tandem parking spaces have been created for shop customers, as indicated by wall-mounted signs.

5. The proposal would involve the erection of an 'L' shaped single-storey rear extension onto the rear of the existing catslide extension and flat-roof extension. The extension would provide additional stock/store room for the shop. A roller shutter would be installed in the side elevation onto Lorena Close. During determination of the application the proposal was amended to reduce it in size and to add a false shallow hipped roof around all sides to disguise the flat roof. The extension would occupy most of the rear yard save for a gap around the extension that would provide space for waste bins.

6. The Staffordshire Moorlands Design Guide Supplementary Planning Document (the 'Design Guide') states that all extensions should harmonise with the parent building and that insensitive changes can spoil a building. The extension effectively wraps around two distinctly different designs of extension, one of which has an unusual roof shape. The proposed hipped roof introduces a roof design that is not a characteristic feature of the property or the immediate area. Furthermore, the junction of the corbelling with the hipped roof extension is clumsy.

7. Despite matching materials, the extension would result in a visually incongruous addition that would not successfully integrate with the existing built form and design of the parent property. Being prominently located on Tunstall Road and close to the town centre, and highly visible from Lorena Close, the proposed extension would detract from the character and appearance of the area and the approach into Biddulph town centre.

8. Accordingly the proposal would be contrary to Policies SS6 and DC1 of the Staffordshire Moorlands Local Plan (the 'Local Plan'). These collectively seek to ensure, amongst other things, that development is high quality, respects its site and surroundings and would improve and help regenerate the streetscape of the town centre and the main approaches to the town from the south. It would also be contrary to the Design Guide, as described above.

Living conditions

9. Windows in the rear elevation of No.26 are in close proximity to the existing rear extension, and the door and window in the side elevation of the outrigger of No.26 directly face the blank elevation of the existing extension. Currently the end of the existing extension is approximately in line with the end of No.26's outrigger.

10. The proposed extension would lengthen the blank elevation by over 3 metres and would extend beyond the end of No.26's outrigger. This would present a substantial amount of built form close to the shared dwarf wall boundary and in close proximity to No.26 and its ground floor windows. It would also effectively enclose the rear outside amenity space for No.26, which I saw was in use with tables and chairs. With the addition of the false hipped roof, the extension would also be taller than it is now, exacerbating the sense of enclosure. The

extension would also breach the 45 degree code, which is commonly used to guide the size and design of extensions to ensure they do not seriously affect a neighbour's outlook or light.

11. I find the proposed extension would have an unneighbourly and overbearing effect that would create an unsatisfactory outlook for the occupiers of No.26. Accordingly, it would be contrary to Local Plan Policy DC1, which seeks, amongst other things, to protect residential amenity in terms of outlook. It would also be contrary to the Council's 'Space About Dwellings' guidance which seeks to protect the amenities of residents to enable reasonable enjoyment of their residence and garden.

Highways

12. The loss of the yard at the rear would result in the loss of one off-road parking space for use by the occupiers of the property, whether that is for users of the flat/office or staff for the shop, depending on what parking arrangement there is. Street parking is limited in the immediate vicinity due to the nature of terraced properties and yellow and double yellow lines on Tunstall Road, including directly outside the shop. However, there is permitted short-term parking opposite the site during the day, which is available after hours. Some of the nearby terraces have rear access and the new housing in Lorena Close has driveway parking and a shared parking court. I saw cars parked half on the pavement around the corner on the south side of Lorena Close/Tunstall Road, indicating to me some inadequacies in parking in the area. However, I have not been presented with any substantive evidence of parking or congestion problems in the area and the Highway Authority has not objected.

13. With regards customer parking, during my visit, albeit a snap-shot in time, I saw customers park in the designated parking areas on Tunstall Road opposite the property or just pull up on the yellow lines to drop off parcels in the shop. No one used either of the tandem customer parking spaces alongside the shop. These two tandem customers spaces would remain, although one customer space would block the roller shutter door, so potentially could be a loss of a customer space when the roller shutter is in use. However, the retail unit already exists and the proposal does not involve an increase to the shop floor that would attract more customers.

14. Due to its nature and limited size, together with its location in a residential area on the edge of the town centre, a good many customers are likely to be on foot or could visit the shop as part of linked trips to the town centre and use the nearby public car park. Those driving past would be able to park on Tunstall Road or turn into Lorena Close and park near the appeal property, even if one customer space was periodically unavailable.

15. Furthermore, the proposed extension to facilitate more on-site storage of stock would likely reduce the number and frequency of visits to and by suppliers/wholesalers, which is turn would reduce the total number of vehicle movements at the site, helping reduce any incidents of possible obstruction or congestion.

16. On balance, and on the evidence before me, I do not consider the loss of one off-road parking space would have a material adverse effect on highway safety in the vicinity of the site. Accordingly, I do not find conflict with Local Plan

Policy T1. This seeks to ensure that new development is located where the highway network can satisfactorily accommodate the generated traffic.

Other Matters

17. The extension would provide additional storage/stock room for the off-licence business. On my visit I saw that the shop was relatively small and well stocked, as were the existing modest sized storage rooms accessed off the shop floor. I am therefore sympathetic to the appellant's need to increase and improve store/stock room facilities.

18. The proposed extension would bring economic benefits by helping an existing local business expand in a sustainable manner and remain in their current location, which is generally supported by Local Plan Policy E1 and Spatial Objective SO3. There would also be environmental and sustainability benefits arising from the reduction in the number and frequency of vehicle movements needed to keep a larger store room stocked.

19. Whilst a balance of competing needs is necessary these other benefits, even if taken cumulatively, would not outweigh the harms I have identified to the character and appearance of the area and the living conditions of occupiers of the adjoining property.

20. I am aware that extensions can be undertaken under permitted development[1]. Schemes could vary in size and design provided they comply with the various prescribed limitations and conditions. The appellant says a permitted development scheme has a real potential of being implemented. However, I have not been provided with any plans showing what the appellant would construct under permitted development. This indicates to me there is no more than a theoretical possibility that any fallback would be implemented. Furthermore, I cannot make any meaningful comparisons with the appeal proposal before me. In any event, I must determine the planning appeal before me and consider it on its own planning merits.

Conclusion

21. I have found there would be harm to the character and appearance of the area and to the living conditions of occupiers of the adjoining property. The absence of harm to highway safety carries neutral weight in my consideration.

22. I therefore conclude the appeal should not succeed.

K Stephens
INSPECTOR

[1] Under the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended)