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# Appeal Decision

Site visit made on 1 November 2022

**by Samuel Watson BA (Hons) MSc MRTPI**

**an Inspector appointed by the Secretary of State**

**Decision date: 28 November 2022**

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**Appeal Ref: APP/B3438/W/22/3298558**

**Land at Hurstons Lane, Alton, Stoke-on-Trent ST10 4AP**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a failure to give notice within the prescribed period of a decision on an application for planning permission
  - The appeal is made by Mr. & Ms. C. Barks against Staffordshire Moorlands District Council.
  - The application Ref SMD/2021/0635, is dated 27 September 2021.
  - The development proposed is the erection of 2no. detached dwellings and detached garage.
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## Decision

1. The appeal is dismissed.

## Preliminary Matters

2. This appeal follows the failure of the Council to determine the planning application within the prescribed period. Had it been able to determine the application, the Council has indicated that the application would have been refused.
3. I note the issues set out within the Council's appeal statement. While this is not the application decision, as jurisdiction over that was taken away when the appeal was lodged, I have treated it as the decision the Council would have made, had it been empowered to do so.
4. In considering this appeal I have been mindful of the extant permission<sup>1</sup> for one dwelling granted at the appeal site. I have also noted the amendment to the scheme submitted during the planning application process, that removed the detached garage.

## Main Issues

5. Therefore, the main issues in this case are:
  - The effect of the proposal on the character and appearance of the surrounding area; and,
  - The quality of the living conditions provided for future occupiers and the effect on the living conditions of neighbouring occupiers.

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<sup>1</sup> SMD/2021/0062

## Reasons

### *Character and Appearance*

6. The appeal site is a triangular plot set between Hurstons Lane and The Hurstons, the development along these two roads form an edge to Alton. To the opposite side of the lane is a cemetery and open fields. The Hurstons, behind the appeal site, also serves a short row of dwellings. The appeal site is within the Alton and Farley Conservation area (the AFCA), which covers a large area either side of the Churnet Valley, including the village of Alton and the Alton Towers estate. The area can be broadly described as being characterised by two irregularly shaped islands of development resulting from organic growth within a rural area; the historic estate on one side of the valley and its associated village to the other. The significance of the conservation area as a whole stems from its history and the extent to which this, its landscape and the historic buildings are still intact and legible.
7. The appeal site is in a prominent position at the confluence of a number of road and footpath routes through the village and countryside. The site, as an open space affords views across from Hurstons Lane to the dwellings behind it on The Hurstons, resulting in a sense of spaciousness. It also contributes towards the verdant character of the street scene with a mature hedgerow and trees surrounding the site and wildflowers within it. I note that there is an extant planning permission on the plot for one new dwelling next to the recently built dwelling adjacent to the site. I have not, however, been provided with any details of this permission, including plans.
8. Nevertheless, given that there is permission for one dwelling I find that some of this openness would be lost as a result of the dwelling itself and any hardstanding and residential paraphernalia associated with the outside space. However, I find that the proposal, which would result in the doubling up of these features, would have a significantly greater impact on the openness of the site. The proposal would therefore have a detrimental impact to the contribution the site makes towards the character of the street scene in this prominent position. It would consequently also erode the irregular edge of development to the detriment of the conservation area. This is especially so as the two dwellings would follow the line of existing development along Hurstons Lane.
9. Harm would also occur through the significant reduction in greenery associated with the appeal site by way of the opening of two vehicular accesses into the hedgerow, the loss of two trees and the developing of a significant portion of the site. Its contribution to the verdant character of this transitional space at the edge of the settlement would therefore be eroded to the detriment of the street scene. Although I note concerns over the health of the trees, I find that the potential remaining lifespan, around ten years for the three trees, is not an insignificant amount of time. Any replacement planting would likely take a significant period of time to have any comparable effect and, given the limited details submitted, I cannot be certain that the planting would be sufficient to mitigate the above loss.
10. The two proposed dwellings would be of a simple and somewhat traditional design, and this would ensure that the proposed dwellings themselves would not be incongruous with the surrounding built development. However, this would not be sufficient to prevent or outweigh the harm identified above. The

proposal would therefore result in harm to the character and appearance of the area, including the conservation area.

11. Against this background, and given the scale of the development, I find that less than substantial harm to the significance of the designated heritage asset would occur. Although less than substantial, the National Planning Policy Framework (the Framework) is clear that great weight should be given to any asset's conservation. Paragraph 202 of the Framework advises that this harm should be weighed against the public benefits of the proposal.
12. The provision of an additional dwelling, over the extant permission, would contribute towards the Government's aims of increasing housing supply, especially against the Council's current under provision. The proposed dwellings would also likely result in some limited economic benefits stemming from their construction and future occupiers. However, given the scale of the development, I attach these matters, collectively, only moderate weight.
13. The appellant has also stated that the proposal would result in environmental benefits due to its location. However, I find that its location, with good access to services and facilities, would result in a lack of harm to the environment stemming from a reliance on private motor vehicles, rather than a benefit. This matter therefore carries neutral weight.
14. Accordingly, I find that there is no public benefit cited which outweighs the considerable importance and weight I give to preserving the character of the AFCA, the setting the listed building and conserving the heritage assets as identified above.
15. In light of the above, I find that the development would harm the character and appearance of the surrounding area, including the conservation area and setting of a listed building, contrary to Policies DC1, DC2, NE2 and SS1 of the Staffordshire Moorlands Local Plan (the LP). These policies require that, amongst other matters, developments maintain and reinforce local distinctiveness and the historic environment by way of their design and siting, and that they protect existing trees and hedgerows. It would also be contrary to the overarching heritage aims set out within Parts 12 and 16 of the Framework, including Paragraph 202, as well as with the guidance on design set out within the Staffordshire Moorlands Design Guide (the DG).

### *Living Conditions*

16. As noted above, directly to the rear of the appeal site is a small lane that serves a number of dwellings. These dwellings are all on the opposite side of the lane to, and face, the appeal site. Three of the dwellings, which I understand to be numbers 3, 4 and 5 are served by windows that directly face on to the appeal site at a close distance.
17. The proposal would result in a number of windows across the two dwellings that face towards the rear of the site at ground and first floor level. The rooms these windows serve include habitable rooms such as living rooms and bedrooms. The ground floor windows, although close to The Hurstons, would not result in an unacceptable loss of privacy given the presence of boundary treatments that would provide screening. Whilst the rear facing windows serving both of the new dwellings at first-floor level are primarily annotated as

- being obscure glazed, or serve rooms where obscure glazing is likely, such as bathrooms, the window serving bedroom 3 of plot 2 would not.
18. Although the appellant has suggested the window of bedroom 3, plot 2, could be obscurely glazed, it is not served by a secondary window and therefore would not provide an outlook for future occupiers. If obscurely glazed, the room would feel enclosed and provide a poor quality of accommodation, significantly affecting the living conditions of future occupiers. Although other habitable rooms have obscure glazing, as they are also served by clear glazed windows, their living conditions would be acceptable.
  19. Consequently, given the close proximity of this window to the opposing dwellings and the clear glazed windows facing the appeal site, the proposal would result in a level of overlooking and a loss of privacy. Although its orientation would limit the harm to numbers 3 and 4 The Hurstons, it would nevertheless still result in harm.
  20. Moreover, the window serving bedroom 3 of plot 1 would have clear glazing and face the rear garden of plot 2, resulting in overlooking and a loss of privacy for the neighbouring occupiers when using their rear garden. I find it likely that the occupiers of plot 2 would therefore be less likely to use their garden or feel comfortable when doing so. As such, the proposal would not provide a good level of living conditions for the future occupiers of plot 2.
  21. From my observations on site, I find that the outlook of the front-facing ground and first floor windows serving these properties have an open and pleasant outlook across the field. It is likely that some of this openness would be lost as a result of the development, but I do not find that the proposed dwellings would be so large or so close to the dwellings on The Hurstons as to result in an unacceptable impact on their outlook to the detriment of the occupier's living conditions. In particular, I find that the occupiers would be provided an outlook around and over the proposed dwellings, therefore retaining a sense of openness.
  22. The proposal would therefore result in harm to the living conditions of the neighbouring occupiers and provide a poor standard of accommodation to the future occupiers of plot 2 with regard to overlooking and a lack of privacy. The proposal would therefore conflict with LP Policy DC1 which require that developments protect residential amenity with particular reference to privacy. It would also conflict with Paragraph 130 of the Framework which requires that developments provide a high-standard of amenity for existing and future users, as well the guidance on living conditions set out within the DG.

### **Planning Balance and Conclusion**

23. The Government's objective is to significantly boost the supply of housing and the proposal would provide a net increase of one dwelling in a location with adequate access to services and where there is an undersupply of housing. It would also lead to a small and time-limited economic benefit during the construction phase, as well as some limited economic benefits resulting from future occupiers. Given the small scale of the proposal, these matters would at most attract moderate weight.

24. Whilst the proposal may not result in any harm to highway safety or a reliance on private motor vehicles, such a lack of harm is not a benefit in itself. I therefore attach these matter neutral weight in my consideration.
25. Conversely, the proposal would result in harm to the character and appearance of the surrounding area, including the historic environment, and would harm the living conditions of neighbouring occupiers, in conflict with the development plan taken as a whole. This attracts significant weight and outweighs the benefits associated with the proposed development.
26. I note that both parties agree the Council cannot demonstrate a five-year housing land supply. However, the Framework provides a clear reason for refusing the development, harm to a designated heritage asset, and therefore the proposal does not benefit from the presumption in favour of sustainable development.
27. The proposal would therefore conflict with the development plan and there are no other considerations, including the Framework, that outweigh this conflict. Therefore, for the reasons outlined above, I conclude that the appeal should be dismissed.

*Samuel Watson*

INSPECTOR