

Local Planning Authority Ref: SMD/2021/0635
Planning Inspectorate Ref: APP/B3438/W/22/3298558
Ordnance Survey Ref: SK 074 422

Town and Country Planning Act, 1990

LPA Appeal Statement

**Statement by Staffordshire Moorlands District Council
in respect of the appeal by Mr Rob Duncan of Rob Duncan Planning
Consultancy Ltd on behalf of
Mr. and Ms. C. Barks of Meadow View Bungalow, Cedar Hill, Alton
against the failure of the Local Planning Authority to give notice of a decision
within the 8 week determination period for an application for planning
permission for the Erection of 2no. detached dwellings and detached garage
on land at Hurstons Lane, Alton, Stoke-on-Trent, Staffordshire**

1. Introduction

- 1.1 This statement is made by Staffordshire Moorlands District Council in response to the appeal made by Mr Rob Duncan of Rob Duncan Planning Consultancy Ltd on behalf of Mr. and Ms. C. Barks of Meadow View Bungalow, Cedar Hill, Alton against the failure of the Local Planning Authority to give notice of a decision within the 8 week determination period for an application for planning permission for the erection of 2no. detached dwellings and detached garage on land at Hurstons Lane, Alton, Stoke-on-Trent, Staffordshire on land at Hurstons Lane, Alton, Stoke-on-Trent, Staffordshire. The detached garage referred to in the description of the development has subsequently been omitted with the submission of a revised site plan drawing ref: 1496-AL24C.
- 1.2 The original application was received and made valid on the 30th September 2021. Neighbour notices were issued for response by 27th October 2021. A Press Notice was published 20th October 2021 for response by 10th November 2021. A site notice was posted by the LPA on 27th October 2021 for responses by 17th November 2021. The LPA considers the main planning issues to relate to:
- Siting and Design

- Neighbour amenity / living conditions
- Area character and appearance
- Heritage – the Alton Conservation Area
- Highways

2. Site and Setting

- 2.1 The site is within the Alton village development boundary and within the Alton Conservation Area. The site occupies a small triangle of field of c.900m². The field is bounded by a minor single track public road (D1359) known as Hurstons Lane along its south east side. Along the site boundary with Hurstons Lane there is a long-established native-species hedgerow and several native broad-leaved hedgerow trees of varying size and maturity. There is open field countryside beyond to the east comprising horse grazing paddocks along with a parish grave yard to the south. Three public footpaths cross the fields to the east and converge at a point on Hurstons Lane opposite the appeal site.
- 2.2 The site on its north west side is bordered by a single track gravel lane known as The Hurstons which is a cul-de-sac serving a row of three pairs of red brick semis, numbers 1 to 6 The Hurstons, and one or more further private dwellings beyond. The site boundary with The Hurstons is also marked by long-established native-species hedgerow.
- 2.3 The western end of the site abuts a recent detached two storey brick and tile dwelling known as Hurstons Cottage built following consents from 2016 and 2018 (SMD/2018/0488).

3. Proposal

- 3.1 The proposal involves two detached two storey brick and tile dwellings facing and accessed from Hurstons Lane. They would in effect form a row with the recently built Hurston's Cottage. Each would be individually accessed and would have a paved / metalled forecourt parking and turning area. As noted above, a detached garage to plot 2 (the more easterly of the two) has been omitted from the scheme by submission of a revised plan.

4. Planning History

- 4.1 The site has been included in a number of previous applications either in whole or in part.

SMD/2012/0207 [12/00240/FUL] three dwellings refused – dismissed on appeal APP/B3438/A/12/218855/NWF. This site comprised the current appeal site and the site of the now built Hurstons Cottage at the westerly end.

SMD/2013/0829 [13/01014/FUL] – full application for the erection of two dwellings – refused. This scheme proposed two dwellings using the current appeal site and the site of the Hurstons Cottage ie. all the land north east of the boundary with The Sycamores.

SMD/2014/0467 – Erection of a dwelling on Plot 1 – approved. This scheme occupied a slightly larger version of the plot now developed under a more recent consent as Hurstons Cottage. The scheme took shared access from Hurstons Lane with a concurrent application SMD/2014/0468 (below).

SMD/2014/0468 – outline application with some matters reserved for erection of a dwelling on Plot 2 – refused and dismissed on appeal APP/B3438/W/15/3006312. Plot 2 here was in essence equivalent to the current appeal site but slightly lesser in extent (due to the larger Plot 1 above) and scales from plan as c.800m2.

SMD/2016/0036 – outline application with some matters reserved (except access, appearance, layout and scale) for erection of a dwelling on Plot 2 (re-submission of SMD/2014/0468) – approved.

SMD/2016/0308 – Proposed erection of a dwelling (revised) on plot 1 – approved.

SMD/2017/0603 – Erection of detached dwelling – approved. This scheme relates to the same plot as approved in outline under SMD/2016/0036.

SMD/2018/0245 – Erection of detached dwelling – approved. This site occupies the remainder of the 2012 appeal site east of Hurstons Cottage. Not implemented.

SMD/2018/0488 (preceded by SMD/2016/0308 for the same single plot) was for a single dwelling at the western end of the 2012 appeal site – and this is the now built Hurstons Cottage. This stands immediately adjacent to the west of the current appeal site.

SMD/2021/0062 (renewal of SMD/2018/0245) grants consent for a single dwelling on land occupying the remainder of the 2012 appeal site east of Hurstons Cottage. No work has commenced.

5. Planning Policy

Local Plan (adopted 9th September 2020)

- SS1 Development Principles
- SS2 Settlement Hierarchy
- SS8 Larger Villages Area Strategy
- DC1 Design Considerations
- DC2 The Historic Environment

DC3 Landscape and Settlement Setting
NE1 Biodiversity and Geological Resources
NE2 Trees, Woodlands and Hedgerows
T1 Development and Sustainable Transport

National Planning Policy Framework February 2019

Paragraph(s) 1 – 14;

Section(s) 4 – Decision making; 11 – Making effective use of land; 12 – Achieving well designed places; 15 – Conserving and enhancing the natural environment; 16 – Conserving and enhancing the historic environment.

Adopted Supplementary Planning Documents/Guidance (SPD/G):

- Space About Dwellings SPG
- Design Principles SPG
- Design Guide SPD adopted 21st February 2018

Local Plan Supporting Evidence Documents:

- Landscape and Settlement Character Assessment (2008)

6. Public Comments

6.1 Representations raising objections from four separate individuals have been received variously concerned by the following:

From the occupier of Hurstons Cottage

- number of dwellings
- loss of trees
- Previous successful applications for this site have been for a single house and have not proposed the wholesale removal of the three trees present on the site.
- The elongated triangular form of the site presents a reasonable size area but only allows suitable development at the wider southern base of the triangle and any development becomes more problematic as the site narrows towards the northern point.
- One house at the southern base should not present any real issues.
- Any further development past the mid-point towards the north will impinge on either the cottages on The Hurstons or the trees bordering Hurstons Lane, or both.
- The more northerly of the plots (appeal Plot 2) does not appear to meet the standard specified in Local Plan (2020) Policy H1(3e).
- Tree T2, a Wych Elm should be helped to survive rather than its loss be accepted on grounds it may in future become infected by Dutch Elm disease. Where visible, above the Ivy, it appears sound.
- The Sycamore, T1, appears to be a magnificent tree, with no obvious sign of decay. Reference to 'potentially weak fork' is not a definite statement. Objector quotes the Woodland Trust re longevity and resilience of Sycamore.

- A second opinion is needed re these two trees
- Inspector in the dismissed appeal APP/B3438/W/15/3006312 (SMD/2014/0468) is quoted: *"Of the trees on the appeal site, the most notable is a Sycamore about halfway along the south eastern site boundary. The appellant's Tree Survey and Assessment identifies this tree as being of moderate quality with moderate priority for retention. However, it makes an important contribution to the character and appearance of the area in combination with the other mature trees along Hurstons Lane. The premature loss of the trees would therefore be detrimental to the character of the locality and in particular the Conservation Area (CA) in which the appeal site is located."*

From the occupier of 5 The Hurstons

- Concerned that the design is not about the aesthetics but about fitting buildings to the site
- Concerned that the development will be overbearing for occupiers of houses on The Hurstons as the land of the appeal site is a lot higher than that of the houses on the Hurstons
- Concerned about highway safety in relation to the new proposed entrance to the appeal site being "directly opposite the narrowest part of the road" and also directly opposite a much used field access for horses and people attending them; crossing point for the school walk; high hedges and blind spots; heavy farm traffic;
- Loss of previous hedgerow established in response to earlier proposals
- The proposed double garage will be built on the roots of the T2 Wych Elm tree. It will also be another unsightly brick building which is not in keeping with the surrounding area.
- View from The Hurstons across the village will be totally eroded and replaced with brick walls all the way across the plot.

From the occupier of 3 The Hurstons

- Over-development
- Previous approvals have been for one dwelling – not two as now proposed
- Design has not fundamentally changed from SMD/2014/0468 refused and dismissed on appeal
- Premature loss of the Sycamore with suggested lifespan of 20 to 40 years was a factor in the dismissed SMD/2014/0468 appeal
- The latest arboricultural report appears to downgrade the quality and potential life of the trees. The Wych Elm in particular has been neglected by the current owners and the Ivy allowed to run rampant, which has had a negative effect on the health of the tree.
- Likely future death is not a reason to terminate early.
- Successive applications seem to focus on removing the trees rather than their protection.
- Even no-dig coverings such as 'Cellweb' would not protect such trees from continuous driveway use and heavy-duty construction

equipment.

- Residential amenity
- Space About Dwellings SPG rules require a distance of 22 metres between principal windows that face one another. Plot 1 has principal window 15m from the primary kitchen windows of No. 3 and No. 4 The Hurstons.
- The argument that the direct line of site will be obscured by the boundary hedge is incorrect as both No.3 The Hurstons and the proposed development are significantly raised above the road / hedge level. Even with a hedge of 2m height a clear view will remain from one living space to another.
- Plot 2 will be even closer to No. 4 and No. 5 The Hurstons.
- Together, Hurstons Cottage, [appeal] Plot 1 and [appeal] Plot 2 will present a continuous brick / tile wall of some 16 metres wide and over 8m tall to The Hurstons as well as blocking morning light to the entire lane, especially in the winter.
- Highway safety
- The road is more busy than is recognised in the SCC Highways response
- Entrance to plot 1 is at a point where the road narrows from 2-car width to single track
- Entrance to plot 2 adds to series of existing factors affecting safety at that point
- Resident occupiers' vehicles may be catered for within the plots but visitors would park on the road or need to reverse either in or out
- Overhead electricity and telephone cables would be affected
- This larger scale development has been refused on multiple occasions over the past 25 years as not in keeping with the local area and over-development of a small rural space.
- Opaque and non-opening window panes in the rear face merely show compromise in the design of the plots rather than good original design within keeping and scale of the area.
- The original historical village wall can still be seen down the centre of The Hurstons, demonstrating the historical importance of the location to the village

From the occupier of 2 The Hurstons

- The size of land is not suited to plans for 2 houses and in doing so will significantly over power the feel of the locality.
- Has been refused proposal for 2 The Hurstons in response to conservation concerns that it would over power the area.
- Two properties would significantly impact the houses along The Hurstons in terms of size, position and the blocking out of light.
- Traffic concerns
- Previous refusals specifically related to tree and tree root interactions

7. Consultee Comments

Parish Council

- 7.1 Alton Parish Council object the proposal on the grounds that the dwellings will be out of keeping and inappropriate for the area, obstructing historical views across the village. It is also un-neighbourly to nearby houses and outside the village development area.

Staffordshire County Council Highways Authority

- 7.2 No objections subject to conditions. The visibility splay referred to in the conditions can be achieved by maintenance of the hedge on the frontage of the plot. No trees or hedge need to be removed apart from at the access points themselves. There are no personal injury collisions recorded on Hurstons Lane within 50m of the site accesses in the previous five years. Accesses are shown gated. Gates in the positions shown will obstruct the highway while gates are opened and closed. Gates should be removed from the application in the interests of highway safety and the free flow of traffic. There was previously proposed to be a single dwelling on this plot. Hurstons Lane is a relatively quiet road. One additional dwelling over that previously proposed will not have a severe effect on the highway.

Severn Trent Water

- 7.3 Minimal impact on the public sewer system therefore no objection and no requirement for a drainage condition to be applied. Add informative re possible unrecorded public sewer within the site.

Environmental Health

- 7.4 No objection subject to conditions. The proposed development is near to existing properties so care needs to be taken during the construction phase to ensure these activities do not cause unreasonable disruption to the neighbours' enjoyment of their properties.

Waste Collection Services

- 7.5 No objections / no issues raised.

8. Local Planning Authority Assessment

Principle of Development

- 8.1 In its general approach, in accordance with policy SS1, the Council expects the development and use of land to contribute positively to the social, economic and environmental improvement of the Staffordshire Moorlands. When considering development proposals the Council will take a positive approach that reflects the

presumption in favour of sustainable development contained in the NPPF. This means that planning applications that accord with the policies in the Local Plan shall be approved without delay, unless material considerations indicate otherwise.

- 8.2 In principle development of the appeal site for residential use is confirmed by the extant current consent SMD/2021/0062 issued on the 9th April 2021.
- 8.3 For completeness, the relevant policy is SS8 for the Larger Villages. Within the development boundaries of the larger villages, as is the case here, Policy SS8 supports the development of housing 'windfall sites' subject to wider local plan policies (SS8(2) third point). Policy H1 for new housing development states at H1(4)(a): Within the development boundaries of the towns and larger villages, residential development and development on unidentified (windfall) sites will be permitted, subject to compliance with the Spatial Strategy and wider Local Plan policies.
- 8.4 The main issues in the determination of this appeal are those as set out at paragraph 1.2 at the start of this statement.

Siting and Design

- 8.5 The Council's Conservation Area Appraisal for Alton and Farley considers the setting of the Conservation Area at section 8 and, at 8.4, specifically considers 'Spacing' noting that outside of the historic core, later development is either well concealed (in certain cases – housing between Smithy Lane and Malthouse Road on the west side of the village is cited) or generously spaced. The Appraisal goes on to comment that this leads to a balance being maintained similar to that reached in the 19th century between the natural and built elements of the 'village-scape'. It says, "This allows plenty of open space, and important views within the Conservation Area where dramatic changes of level allow considerable inter-visibility".
- 8.6 Hurstons Lane is specifically discussed noting: "Here the former fields have been encroached along Hurstons Lane by the village hall and by a series of 20th century houses". The focus at this point in the appraisal is on views out north west from the land east of Hurstons Lane and does not appear to have specific bearing on the appeal site except that Hurstons Lane is noted as a strong boundary to the settlement. It is also very evident in visiting the location that the trees along Hurstons Lane are a very significant factor in maintaining this boundary effect. In pushing development towards the tapering north east end of the appeal site and with the attendant tree loss the appeal proposal would erode and risk 'puncturing' this important boundary to the rural surrounds.
- 8.7 The appeal site, in particular its narrow north eastern half, strongly hedged and with dominant trees, forms a prominent green wedge marking the end of Hurstons Lane from the west and crowning the slope up Back Lane from the

north east. The public footpath known as The Hurstons emerges at this point from its climb up from the old village core a short distance to the north. Midway along the appeal site boundary with Hurstons Lane a series of cross-field public footpaths strike out east and south east. All-in-all the appeal site lies at an important juncture of public routes and with the parish graveyard, playing field, health centre and village hall ranged along Hurstons Lane to the west, it is very much en-route for local people in their daily coming and goings.

- 8.8 In the site layout of the revised scheme, which omits the garage serving plot 2, a new 3m wide entrance would be formed some 15m along from the north easterly end of the site at the junction with The Hurstons. The paved / tarmac parking and turning forecourt which would include a turning head projection north east of the dwelling, coupled with loss of trees and erection of the two storey dwelling behind would mark a very significant change and loss to the character and appearance of the current street scene. Of the currently remaining undeveloped c.45m frontage to Hurstons Lane, the appeal scheme would introduce constructed development to some 32m or 70% of the length and of course all the land would be 'developed' by the change of use to residential garden. Whilst the garden use change would be true of the current SMD/2021/0062 approval for a single dwelling to occupy the appeal site, the impacts of garden use would be less intensely concentrated; no tree loss would necessarily be required (and was not proposed) and the constructed development would be focused into the first 18m from the south westerly end of the appeal site; surfaced forecourt frontage would occupy just a 14m stretch.

Neighbour amenity / living conditions

- 8.9 The main considerations relate to nos. 3, 4 and 5 The Hurstons. Comparison must be made with the impacts that have been found acceptable with the extant approval of the single dwelling under SMD/2021/0062. The 2021 approved scheme is a two storey dwelling with single storey projection off its most north easterly end. This single storey element backs on to (at an angle) the main forward two storey gabled front of no.4 The Hurstons. At its closest point, the north corner of the single storey would align with the easterly end of the number 4 gable and would be some 11m away. At the equivalent point in the appeal scheme (on a similar angled alignment) the dwelling on plot 2 would be 13m away. However, plot two proposes an entirely two storey dwelling and would continue for a further 7m to the north east, its end point aligning with a midway point between no.4 and no.5 The Hurstons, and coming to within 5m of the tarmac edge on The Hurstons. From this it can be concluded that the impacts of the Plot 2 appeal dwelling are considerably greater in terms of physical presence than in the 2021 approved single dwelling.
- 8.10 Using the levels data in the submitted drawing 1496-AL24C it can be seen that the gable apex or roof ridge line height for no.4 The Hurstons is c.172m relative to road level c.165.5m and it is likely the eaves height will be c.4.5m suggested eg by soffit level 170m. If built from the current stated ground level of c.166m,

appeal plot 2 with eaves 4.8m (rear NE end) would about match soffit level of no.4 the Hurstons but the roof ridge at 7.9m would have a datum level of 174m – some two metres higher than the main roof ridge of no.4 The Hurstons. The LPA finds the details discussed here in 8.9 and 8.10 demonstrate an unacceptably overbearing impact on no.4 the Hurstons with further similar knock on consequences for both no.3 and no.5 the Hurstons.

- 8.11 Turning to separation distances between principal windows, the SMDC adopted Space About Dwellings Guidance sets a minimum separation of 22m. The approved SMD/2021/0062 scheme has no rear windows in those parts of the rear elevation directly backing towards no.4 The Hurstons. Towards the south west end of the rear in SMD/2021/0062 there are both ground and first floor rear windows in the elevation which would be seen opposite no.3 The Hurstons. Regarded as a principal window a ground floor French doors set serving a dining room would be at 17m measured from no.3. The alignment however is not at right angles to no.3 but is angled away by some 30 degrees and giving weight to this the relationship was found acceptable. Importantly also the mid-point of this window is 6.3m in from the south west site boundary so that it seems off-set relative to the main front of no.3. A further ground floor window at the end of the elevation in the 2021 scheme is not a 'principal' window as it serves a utility. A bedroom above would be 18.5m away from no.3. Again, giving weight to the oblique alignment and off-set position, the relationship was found acceptable.
- 8.12 Appeal plot 1 has a ground floor 1.8m wide multi-fold door set forming the principal window serving a lounge. This is 18.5m from the front of no.3 The Hurstons. Significantly the mid-point of this window is some 9m in from the south west site boundary making its position much more central to the front of no.3 The Hurstons than is the case with the ground floor window of the approved 2021 scheme. Moreover, immediately alongside to the north east, in the ground floor rear to plot 2 there is a principal window serving a family room which is 17.5m from the main front of no.3 The Hurstons and although on an angle this would be felt to face towards no.3 rather than away and together with plot 1 there would begin to seem a sense of encirclement on no.3's frontage. As these windows are appreciably closer than the expected 22m separation and are not found to have mitigating alignment but on the contrary are found significantly more aggravating towards no.3 (than the 2021 scheme) it is concluded by the LPA that the impact on the living conditions of occupiers of no.3 The Hurstons would not be acceptable.
- 8.13 In the design of the appeal scheme a first floor bedroom window in plot 1 facing no.3 The Hurstons at a separation of c.17m is shown as being non-opening and obscure glazed (there is a further window to the NE elevation of this room that would be unrestricted).
- 8.14 A first floor room in plot two labeled as bedroom 3 has its sole window obliquely facing in towards 3 The Hurstons at c.17.5m separation. More critically still, the mid-point of this window would be some 14.5m from the main front of no.4 The Hurstons. Although angled away, this is well under the 22m required separation

for principal windows. Although labelled bedroom 3 it is the second largest at c.12m² in floor area and should be regarded as presenting a principal window in terms of Space About Dwellings. The LPA concludes that the relationship of plot 2 presents unacceptable impacts on the living conditions for occupiers of both nos.3 and 4 The Hurstons as a result of the 'bedroom 3' window.

Area character and appearance

- 8.15 The development of these two dwellings in this tapering 900m² plot of c. 45m length and maximum 30m width would fundamentally alter the character and appearance. The LPA has previously judged that a single dwelling can be accommodated but despite omission of the detached garage in the revised appeal scheme the overall impact of two dwellings would significantly tip the balance into one of marked adverse impact. The grounds of appeal state at 6.13 that "The dwellings are consolidated towards the southern half of the site with more-or-less the entire northern half of the site being kept free from development". As set out at 8.8 above, constructed development (including forecourt parking would be seen from Hurstons Lane to occupy some 32m or 70% of the length.
- 8.16 The submitted tree report dated 1st Feb 2021 (prepared in connection with the 2021 single dwelling proposal) identifies on-going decline in the dominant 'old-mature' Sycamore T1 and the less dominant Wych Elm T2. The LPA notes the predicted deterioration of T1 but at the same time an estimated continuing contribution of in excess of 10 years. At some point in time its removal may be likely to become necessary but under the 2021 scheme its removal is not a foregone requirement. In contrast the necessary protection scheme shown in THL-0923-3 evidently could not be carried through if the appeal scheme were allowed and removal of T1 would be mandated. Regarding T2 it is well known that Wych Elm can escape Dutch Elm disease in their coppiced state and the recommendation in the tree report that it be cut back into the hedge is appropriate as it is possible it could regenerate and be capable of retention as a hedgerow shrub.
- 8.17 The appellant submissions refer to planting new trees but there is no detailed scheme as such and the LPA would aver that for at least a 30m stretch to the frontages of the two dwellings no planting scheme to remotely counteract the losses will be achievable as the dwellings are only 7m to 8m back and dominated by hard surfaced parking and turning forecourts where the parking of cars would be incompatible with over-growing trees due to the annual cycle of falling debris and exudates. In contrast, the extant 2021 scheme would be much more likely to allow for tree retention and new tree planting / including replacement when necessitated.

Heritage – the Alton Conservation Area

- 8.18 Local Plan Policy DC2 is to adhere to national policy for heritage protection in accordance with the NPPF. The Alton Conservation Area is a designated heritage asset and Section 72 of the Planning (Listed Buildings and Conservation Areas Act) 1990 places a statutory duty on the LPA / the decision maker in assessing planning applications in respect to any land or buildings in a Conservation Area to pay special attention to the desirability of preserving or enhancing the character or appearance of that area. In reaching its decision the LPA / decision maker has to demonstrate that the Section 72 Duty has been applied and discharged. Section 72 (and Footnote 6 of para.11 of the NPPF) creates a strong presumption in favour of the preservation of Conservation Areas and their setting.
- 8.19 The LPA view is that the appeal scheme would run very strongly counter to the appearance and character of this part of the Conservation Area at the head of Hurstons Lane. The scheme would not preserve the established character at this location, the importance and value of which has been discussed and described in detail above at sections 8.5 to 8.7 along with the scheme implications at 8.8. The adverse impacts of the scheme resulting from the crowding in of development on this tapering site lead the LPA to conclude that there would be harm to the Conservation Area. Whilst this would amount to less than substantial harm within the meaning of the NPPF it would nevertheless have a pervasive impact on people's enjoyment and appreciation of the Conservation Area due to the site's position at a pivotal juncture in the Conservation Area that is well frequented by inhabitants and particularly on foot.

Highways

- 8.20 Objectors have raised various issues of highway safety but with the Highways Authority being satisfied with the proposal subject to their recommended conditions, the LPA finds no additional issues to go against this.

Other matters

- 8.21 As pointed out by the appellant in their statement the District's latest housing position is one of undersupply. However the LPA view, referring to NPPF paragraph 11, is that the adverse impacts of the scheme as set out and discussed in this statement significantly and demonstrably outweigh any benefits which in this scheme are limited to the net provision of one additional dwelling – there already being an alternative consent which permits one dwelling within the appeal site.

Conclusion and planning balance

- 8.22 The planning history has shown that a single dwelling would be accepted on the appeal site as currently confirmed by the approval under SMD/2021/0062. At the

same time there has been a consistent desire by the LPA to limit the intrusion of development into the more north easterly end owing to the constraints to protect existing dwellings from intrusion on living conditions; to protect trees and the street scene and to protect the Conservation Area – a stance twice supported by Inspectors in the previous dismissed appeals of 2012 and 2014. The role of the current trees where these are significant, in particular T1, is limited in future longevity but the site can be seen to make a significant contribution to the street scene and the Conservation Area in any event and this would be radically undermined and effectively eliminated by this two-dwelling proposal.

- 8.23 For the occupiers of dwellings at 3 and 4 The Hurstons in particular, and to an extent no.5, the development by its proximity, scale and mass would be wholly overbearing on their living conditions. Moreover, in some very specific details set out above at 8.11 to 8.14 the scheme would to varying degrees breach aspects of the Council's Space About Dwellings guidance resulting in unacceptable loss of privacy and sense of privacy both for existing dwellings on the Hurstons and for occupiers of the development. In some developments it may sometimes be proposed that high close board garden fences can mitigate intrusive overlooking. Such an approach here would be wholly unsuitable along The Hurstons where the current boundary is marked by attractive and pleasingly rural broadleaved hedges. High fences would also not deal with first floor overlooking. The LPA cannot therefore advocate any conditions to mitigate the concerns identified. Boundary treatments would also not and could not address the identified issues of overbearing scale as the space from the proposed dwellings to the site boundary along The Hurstons reduces to less than 5m and is therefore very limited.
- 8.24 For all the above reasons the Inspector is respectfully asked to dismiss the appeal.

Staffordshire Moorlands District Council