

Appeal Statement on Behalf of Mr Matthews

Land Adjacent to The Bungalow, High Street, Kingsley

December 2022

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Project	Land Adjacent to The Bungalow
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1 Introduction

- 1.1 JMI Planning is a Midlands based town planning consultancy. Its directors are chartered town planners with over 30 years' combined experience in both the public and private sector.
- 1.2 The author of this statement, Jon Imber, has worked as both a development control and forward planning officer in local government, and more recently as a senior planning consultant in the private sector. He has extensive knowledge of the planning system and experience of the appeals process. He is a member of the Royal Town Planning Institute.
- 1.3 This statement accompanies an appeal against Staffordshire Moorlands District Council's refusal of Planning Application SMD/2021/0565.

2 The Appeal Site

- 2.1 The appeal site comprises a vacant parcel of land within the rural settlement of Kingsley. Kingsley lies on the A52 approximately 13 kilometres east of Stoke on Trent and approximately 3.5 kilometres north of the town of Cheadle.
- 2.2 The site lies within a predominantly residential area. It is adjoined by existing dwellings and their gardens to the east and west, a workshop to the south and woodland to the north. A public footpath runs across the northern site boundary.
- 2.3 The site is predominantly enclosed by temporary HERAS fencing. A timber fence and concrete sectional outbuilding demarcate the boundary with the dwelling to the east, and a low stone wall runs between the site and the workshop to the south.
- 2.4 Land levels rise from south to north, and the site is elevated above the level of the

highway. The dwelling to the east sits approximately three to four metres above the appeal site.

- 2.4 The site is accessed via a shared driveway which emerges onto High Street.
- 2.5 The site does not lie within a Conservation Area. The nearest listed building is 44 High Street, which sits on the road frontage to the south-east of the site.
- 2.6 Outline planning permission was granted to erect a dwelling on the site in May 2015 (LPA reference SMD/2014/0270). Reserved matters were subsequently approved in July 2018 (LPA reference SMD/2018/0060).
- 2.7 The site and its surroundings are shown on the following photograph.



Figure 1 - Aerial photograph of site

3 The Proposed Development

- 3.1 The outline planning permission expired in July 2020, during the Covid 19 pandemic. The applicant was unable to implement the scheme on time, and it fell just outside of the automatic extensions enabled by the Business and Planning Act 2020.
- 3.2 The appellant was therefore advised to resubmit the scheme, seeking detailed planning permission. An application for a detached dwelling identical to that approved in 2018 was submitted in August 2021, and was refused by the Council's Planning Committee in September 2022. This appeal relates to that refusal.
- 3.3 The proposed dwelling is a four bedroomed dormer bungalow, with three bedrooms, a bathroom and a study on the ground floor and living rooms and an additional bedroom at first floor level. The dwelling is to be accessed via the existing private driveway, which is to be widened and extended to provide additional parking and manoeuvring space. In total, four off-street parking spaces are to be provided.
- 3.4 The proposed dwelling is to be finished in a mixture of facing brickwork and render with a slate grey concrete tile roof.
- 3.5 The local planning authority's Committee report is attached as Appendix 1.

4 Reason for Refusal

- 4.1 The application was refused by the Council's Planning Committee, against the recommendation of its officers, on the following grounds:-

- “1. The application proposes an unsustainable form of development due to conflict with National and Local Planning Policies. By reasons of its adverse neighbour amenity impact, inappropriate design and overdevelopment of the plot (which does not reflect its surroundings), the application is contrary to the provisions of policy DC1 of the Staffordshire Moorlands Local Plan- and the National Planning Policy Framework including section 12.*
- 2. The development would have an harmful impact upon the setting of the Grade 2 Listed Building known as number 44 High Street Kingsley as well as surrounding non-designated heritage assets, including Wesley House and the historic wall to the south-eastern side of the site's vehicular access. Whilst the level of harm is less than substantial, it would not be outweighed by the limited public benefits associated with a single dwelling, the application is therefore contrary to policy DC2 of the Staffordshire Moorlands Local Plan and the National Planning Policy including section 16.*
- 3. Due to the limited width of the access and poor visibility at the access on to High Street Kingsley, and the lack of land within the applicant's control within which to carry out improvements the development fails to achieve safe and suitable access to the site therefore being contrary to policy T1 and Policy DC1 of the Staffordshire Moorlands Local Plan as well as the National Planning Policy Framework including section 9.”*

5 Statement of Case

5.1 The Council's three reasons for refusal are considered in turn below.

Visual Impact and Impact upon Amenity

5.2 Policy DC1 of the Staffordshire Moorlands Local Plan requires that new development should be well designed and respect the character of its surroundings whilst safeguarding amenity.

5.3 The surrounding area is characterised by its variety. Development across the High Street frontage is relatively close-knit, with a mixture in terms of the scale, orientation, and materials of individual properties. Although predominantly a traditional context, there is also some variety in terms of the age of properties, with several examples of more modern development present in the immediate vicinity.

5.4 There is also variety in terms of set-back from the highway. Whilst properties along much of High Street are set immediately rear of the highway boundary, creating a sense of enclosure, there are properties just east and west of the site set considerably further from the road. Most pertinently, the dwelling immediately east of the application set sets a visual precedent for relatively modern backland development in the immediate context.

5.5 The proposed dwelling would contribute positively towards its varied surroundings. Its scale and massing are similar to the one-and-a-half storey property immediately east of the site, and its set back from the highway is broadly similar too. The proposed dwelling would not be prominent from High Street despite its elevation. It would largely be screened by frontage developments, and where glimpses are available it would be viewed in the context of the similar property to the east.

- 5.6 The proposed dwelling would not therefore harm the character or appearance of its surroundings.
- 5.7 The proposals involve the erection of a single dwelling on the plot. The property is served by a generous private amenity area of 160m², as well as four off-street parking spaces. The scale and massing of the dwelling are informed by its immediate and wider context. It is clear that the scale of the dwelling is commensurate with the size of its plot and that the proposals do not constitute over-development.
- 5.8 The proposed dwelling sits significantly lower than the existing property to the east. It would not therefore result in an unacceptable reduction in daylight to the windows on the west elevation of that property, and neither would it result in an overbearing effect.
- 5.7 The proposed dwelling does not feature any flank windows facing the dwelling to the east and as such will not affect the privacy of its occupants.
- 5.8 40 High Street features a ground floor conservatory and a first floor bathroom window on its north facing gable end. The bathroom window is obscure glazed and does not constitute a principal opening, and the conservatory is not a principal room. The proposed dwelling does not unacceptably overlook the private amenity space serving 40 High Street.
- 5.9 The proposed dwelling would not therefore result in unacceptable loss of light to or overlooking of neighbouring dwellings, and the proposals would not therefore harm the amenities enjoyed by their occupants.

- 5.10 It is therefore respectfully suggested that the Council's first reason for refusal is unfounded.

Impact upon Heritage Assets

- 5.11 44 High Street is a Grade II listed building. Its listing description reads as follows:-

"KINGSLEY C.P. HIGH STREET SK 04 NW (north side) 10/294 No.44 2.5.53

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II

House. C17 with mid-C19 alterations. Coursed dressed and squared stone of fine quality; raised string at ground floor ceiling level; entrance elevation (possibly part-rebuilt) in brickwork; tiled roof; verge parapets on corbelled kneelers, brick ridge stack to centre and end stack to right. 2-storey and attic (built on slope and with full-height cellar opening at street level to south), 3-window entrance front; 3-light chamfered mullions replaced to ground floor right by C20 casement; entrances to both ends, with labelled heavy lintel to right end, the left-hand is an insertion, both doors boarded. Gable to street has a tier of 3-light mullioned windows, labelled to first floor (second floor to street), and with casement inserted in chamfered reveal at ground floor; double cellar door, placed under windows, has arched concrete lintel. The house is extremely prominent in the village centre."

- 5.12 The Staffordshire HER does not offer any additional information.
- 5.13 The significance of 44 High Street is considered to derive from its architectural value.
- 5.14 Paragraph 199 of the NPPF advises that when considering the impact of a proposed development on the significance of a heritage asset, great weight should be given to

the asset's conservation. The more important the asset, the greater the weight should be.

- 5.15 The proposals do not directly affect the fabric of the listed building. Any impact is therefore confined to its setting.
- 5.16 Paragraph 201 of the NPPF states that where a proposed development will lead to substantial harm to (or total loss of significance of) a designated heritage asset, local planning authorities should refuse consent, unless it can be demonstrated that the substantial harm or total loss is necessary to achieve substantial public benefits that outweigh that harm or loss. Paragraph 202 of the NPPF states that where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal, including securing its optimum viable use.
- 5.17 Substantial harm is a high bar involving the total or near total loss of significance of a heritage asset. It is clear in this instance that the proposals will not result in substantial harm.
- 5.18 44 High Street is set within a varied context. Its setting is already influenced to a large extent by more recent residential development, some of which like the appeal proposals is relatively modern.
- 5.19 The appeal proposals are well screened from 44 High Street. They do not affect the approach to 44 High Street, and would not be prominent in views of it since the site is set back from the highway and is largely screened by frontage development.

- 5.20 The appeal proposals do not introduce a competing character element into the setting of the listed building, and would not fundamentally change the character of the existing backcloth.
- 5.21 The appeal site does not appear to have any recent or historic connection to 44 Main Street.
- 5.22 On balance, it is concluded that the proposed dwelling would have a neutral effect upon the setting of 44 High Street and would not harm its significance. This view is corroborated by the response of the Council's Conservation Officer to the original application, who found no harm and raised no objections. The Conservation Officer's response to the original planning application is included as Appendix 2.
- 5.23 Since the proposals would not harm the significance of 44 High Street, or any other designated heritage asset, there is no requirement to satisfy the test set out in Paragraph 202 of the NPPF in this instance.
- 5.24 There is a large modern workshop with a shallow roof pitch and functional character and appearance between the proposed dwelling and Wesley House, which the Committee identifies as a non-designated heritage asset. In that context it is not considered that the proposals would have a harmful effect.
- 5.25 It is therefore respectfully suggested that the Council's second reason for refusal is unfounded.

Impact upon the Highway Network

- 5.26 Paragraph 111 of the NPPF states that *“Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe”*.
- 5.27 In determining the original planning application, the local planning authority consulted with the Highway Authority, who robustly assessed the scheme. They concluded that the proposals provided safe and suitable access and therefor raised no objections to the proposed development. The Highway Authority’s consultation response is included as Appendix 3.
- 5.28 The proposals utilise the existing access driveway, which emerges onto High Street. High Street is subject to a 30mph speed limit. The access emerges onto the outside of a gentle bend, and consequently visibility is good in both directions.
- 5.29 The proposals provide four off street parking spaces, which exceeds the three spaces that the Council’s parking standards require for a four bedroomed dwelling. They also widen the existing driveway to provide more space for manoeuvring.
- 5.30 It is clear that the proposals would not prejudice the safe or efficient use of the highway network, and that the Council’s third reason is unfounded.

Other Material Considerations

- 5.31 It is pertinent that the appeal proposals are identical to the reserved matters approved on the site in 2018. There has been no material change in the spirit of local or national planning policy or the circumstances of the site in the intervening four years that would dictate a different outcome now.

- 5.32 It is also pertinent that the Council cannot currently demonstrate a five year supply of deliverable housing land. Its latest position is that it has a 4.21 year supply as at April 2021. In such circumstances the presumption in favour of sustainable development is triggered, with permission being granted unless the harm in doing so would significantly and demonstrably outweigh the benefits (the 'tilted balance'). This statement has shown that even before this tilted balance is applied, the proposals are compliant with local and national policies and it is abundantly clear that permission should have been granted.

6 Conclusions

- 6.1 The proposals would not harm the character and appearance of the surrounding area, and would not detrimentally affect the amenities enjoyed by the occupiers of neighbouring dwellings.
- 6.2 The proposals would not harm the setting of the listed building at 44 High Street or any nearby non-designated heritage assets.
- 6.3 The proposed dwelling would not prejudice the safe or efficient use of the highway network.
- 6.4 Despite the above having been clearly put to the Planning Committee by its planning officer, specialist conservation officer and the Highway Authority, the Planning Committee resolved to refuse planning permission. This statement demonstrates that decision was unfounded.
- 6.5 The proposals comply with Policy DC1 of the Staffordshire Moorlands Local Plan and Sections 12 and 16 of the National Planning Policy Framework. In accordance with Paragraphs 2 and 12 of the National Planning Policy Framework, it is therefore respectfully requested that the appeal be allowed.

Land Adjacent to The Bungalow, High Street, Kingsley