



Appeal Decision

Site visit made on 30 January 2024

by Paul Cooper MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 29 February 2024

Appeal Ref: APP/B3438/W/23/3323092

Fairwinds, 244 Leek Road, Endon, Staffordshire ST9 9EA

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
 - The appeal is made by Mr Brooks against the decision of Staffordshire Moorlands District Council.
 - The application Ref SMD2023/0121, dated 3 March 2023, was refused by notice dated 28 April 2023.
 - The development proposed is outline planning permission with some matters reserved – except access and scale – proposed bungalow.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The description of development was changed from that on the application form. I have confirmation that both parties were in agreement to the change.

Main Issues

3. The main issues in this appeal is the effect of the proposed development on the character and appearance of the area and the living conditions of adjacent residents.

Reasons

Character and appearance

4. The appeal site is located to the rear of the host property, which is a detached dwelling in an area of mixed residential development. There is an educational premises located in the vicinity. Road traffic levels were high at the time of my site visit.
5. There is not a consistent architectural approach to the design of the dwellings within the locality, but the area is typically characterised by large, detached dwellings mostly set within large and spacious residential garden plots. The large houses are spaciouly sited within well-stocked residential garden plots, many with substantial hedge, shrub and tree planting. Together, these features imbue the area with an overriding sense of being a pleasingly neat, spacious and verdant residential setting. The site is in close proximity to the Green Belt.
6. The proposed dwelling's siting would be at odds with the prevailing built form and layout of the area and, thus, its spacious character. Subdivision of plots is not particularly evident or a common feature of the locality.

7. The proposed dwelling's garden area would be spacious, and the remaining garden area associated with the host dwelling would still be of a considerable size compared to many in the area.
8. However, the proposal would insert a new dwelling into that smaller site in a manner not typical of the area as a whole. The Leek Road properties are set out in linear form running parallel to the highway. The significant physical presence, set back from this linear form, within an area of private garden areas where traditional garden features and small outbuildings are *de rigueur*, a large built structure would appear incongruous and erode the prevailing spacious setting of the site and the overall character of the locality.
9. I am of the view that amount of built form and site coverage would be out of keeping with the prevailing pattern of development in the area. A dwelling in this location would erode the "feel" to this immediate locality. As a result, I find that the proposed dwelling would be harmful to the character and appearance of the area and would not reflect the pattern of development in the context of which it would be viewed.
10. The impact of the appeal proposal would result in harm to the character and appearance of the area. This aspect of the proposal would emphasise the incongruous appearance of the proposal within its immediate visual context, unbalancing the rhythm of the locality and would be harmful to the established character and appearance. The proposal would therefore not reflect the character and appearance of the area.
11. I find that the proposed dwelling would be at odds with the character and appearance of the area. The subdivision of one of the large plots and the addition of another dwelling in a smaller plot would be an incongruous addition and look out of place when seen in the context of the locality and would significantly reduce the spacious qualities of the area and have a harmful effect upon its character and appearance.
12. In light of the above, I have formed the view that the amount of built form and site coverage, and the subdivision of the plot, would be out of keeping with the prevailing pattern of development in the locality. A dwelling in this location would erode the spacious feel to this immediate locality.
13. As a result, I find conflict with policy DC1 of the Staffordshire Moorlands Local Plan (2020) (the LP) which, amongst other matters, expects development to be designed to respect the site and its surroundings. I also find conflict with the protection of amenity aspects of the National Planning Policy Framework (the Framework).

Living conditions

14. The plans before me demonstrate that an access would pass between the host property and the adjacent neighbour, and an existing garage to the side between the properties would be demolished to facilitate this. The use of this new access by the proposed dwelling would increase vehicular movements to the sides of these properties. I cannot conclude that the proposal will not cause harm to the occupants of the adjacent property and the occupiers of the host property with particular regard to noise and disturbance from the likely vehicle movements.

15. Although the level of vehicular activity associated with the new dwelling at the rear is unlikely to be high, it would be more intrusive than the present situation, due to the proximity of the access. Whilst it would be possible to surface the access in a material which minimises tyre noise, there would be unacceptable disturbance arising from engine revving and vehicle movements in general, especially given the location of the proposed parking and manoeuvring area for the new dwelling.
16. I consider that noise from cars accessing, turning and manoeuvring within the site and utilising the access road, whilst modest, given its potential proximity would be detrimental to the living conditions of the two affected properties. Whilst planting and quality boundary treatment could help to mitigate this effect, I find that it could not mitigate suitably against this harm.
17. My concerns in respect of noise and disturbance from the access bring the scheme into conflict with policy DC1 of the LP where amongst other matters, development is expected to protect the amenity of the area by meeting a number of criteria, including noise and privacy.

Other Matters

18. The Council does not dispute the appellant's assertion that they cannot presently demonstrate a five-year housing supply. I have no reason to disagree with the appellant. Therefore, the presumption in favour of sustainable development set out within paragraph 11 of the Framework applies. I have already found that there would be modest economic and social benefits through a contribution to a shortfall in housing supply and the construction and occupation of the development.
19. However, against these benefits I need to balance the adverse impacts. I have concluded above that the proposed development would conflict with the Framework in relation to the character and appearance of the area and the living conditions of neighbouring occupiers. Consequently, the adverse impacts of the proposed development would significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework when taken as a whole. As a result, the presumption in favour of sustainable development does not apply.

Conclusion

20. For the reasons above, and taking into account all other matters raised, I conclude that the proposed development would fail to accord with the development plan as a whole and there are no considerations, including the provisions of the Framework that individually or cumulatively outweigh this. Therefore, the appeal is dismissed.

Paul Cooper

INSPECTOR