

GROUND OF APPEAL

**24 DRAYCOTT ROAD
UPPER TEAN**

MARCH 2024

Site Address:

24 Draycott Road, Upper Tean, Staffordshire, ST10 4JF

Appellant:

Mr. J. Bentley

Proposal:

Proposed extension to the side with amended roof details and the provision of a first floor in order to provide additional accommodation.

Grounds of Appeal:

Date Issued: 12th March 2024

Job Reference: RDP/2024/022

Report Prepared By:

Rob Duncan BSc(Hons) MA MRTPI
Rob Duncan Planning Consultancy Ltd

Contact Details:

Rob Duncan Planning Consultancy Ltd.
28 Ferndale Road, Lichfield, Staffordshire, WS13 7DJ
Email: rob78duncan@gmail.com
Tel. 07779 783521

1 Introduction

- 1.1 Rob Duncan Planning Consultancy Ltd. has been instructed by Mr. J. Bentley to lodge a householder appeal under s78 of the Town and Country Planning Act 1990 (As Amended) against the decision of Staffordshire Moorlands District Council to refuse planning permission for the erection of a first floor extension and new roof to an existing side extension at 24 Draycott Road, Upper Tean (LPA Reference: SMD/2023/0585).
- 1.2 By way of background, the appellant has previously secured prior approval for an upward extension to the existing building (LPA Reference: HNT/2023/0001). The appeal proposal proposes the erection of a first floor extension that will match the height of that extant prior approval consent, but differs from it in that it also incorporates a front projecting gable end. The planning application also proposes a dummy pitched roof above an existing flat roofed garage side extension.
- 1.3 The application was refused under delegated authority for the following reason:
1. *The proposed alterations to the dwelling result in an increased massing and enlargement over and above that already approved under HNT/2023/0001 (Prior Approval Granted). The proposed alterations would be overbearing to the neighbouring property (20 Draycott Road) resulting in loss of amenity, particularly blocking out more light to the side first floor bedroom window and adversely impacting on outlook. The proposal is considered to cause detrimental impact on the amenity of the occupants of the neighbouring property. thereby contrary to policy DC1 of the Adopted Staffordshire Moorlands Local Plan 2020 and the Design Guide SPD 2018.*

2 Site & Surroundings

- 2.1 The appeal site lies within the defined settlement boundary of Upper Tean and comprises a detached, single storey bungalow constructed from red facing brickwork, with a concrete pantile roof atop.
- 2.2 The dwelling sits within an irregular shaped plot in an otherwise linear pattern of built development that extends in a broadly east / west direction along the Draycott Road. Open fields extend to the north and are within the Green Belt.
- 2.3 The neighbouring property to the west (no.28 Draycott Road) comprises a two storey dwelling, located in a more elevated, set back position compared to the appeal site, with some screening of it afforded by existing frontage vegetation.
- 2.4 The neighbouring property to the east (no.20 Draycott Road) comprises a one-and-a-half storey property that stands modestly taller than the bungalow on the appeal site.
- 2.5 Two storey cottages extend to the east of that property, continuing the ribbon pattern of development that extends along this side of the Draycott Road. Further residential development of differing scales can be found in the surrounding area, with the properties on the opposite side of the highway being elevated above the carriageway.
- 2.6 The surrounding area exhibits a widely varying residential character, with a mixture of architectural styles and ages of development, as well as a mixture of single storey, one-and-a-half storey and two storey buildings. There is no strong prevailing vernacular.
- 2.7 The site is not within a Conservation Area, nor are there any statutorily listed buildings located within the immediate locality.

3 Planning Policy

3.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that development proposals be determined in accordance with the Development Plan taking into consideration any relevant material considerations. The Development Plan for this area comprises the Staffordshire Moorlands Core Strategy DPD (2020) of which the following policy is cited in the reason for refusal:

3.2 Policy DC1 of the Local Plan relates to 'Design Considerations' and states that all development shall be well designed and reinforce local distinctiveness by positively contributing to and complementing the special character and heritage of the area in line with the Council's Design Guide SPD. In particular, new development should (amongst other criteria):

- be of a high quality and add value to the local area, incorporating creativity, detailing and materials appropriate to the character of the area
- be designed to respect the site and its surroundings and promote a positive sense of place and identity through its scale, height, density, layout, siting, landscaping, character and appearance
- protect the amenity of the area, including creation of healthy active environments and residential amenity, in terms of satisfactory daylight, overbearing development, sunlight, outlook, privacy, soft landscaping as well as noise, odour and light pollution

4 Other Material Considerations

National Planning Policy Framework

- 4.1 The National Planning Policy Framework seeks to secure the delivery of sustainable development and sets out guidance *inter alia*, in respect of securing high quality design. The content of the National Planning Policy Framework has been taken into consideration in the preparation of this appeal.

HNT/2023/0001 – Prior Approval for Upward Extension 24 Draycott Road

- 4.2 The above application granted prior approval for an upward extension pursuant to Schedule 2, Part 1, Class AA of the Town and Country Planning (General Permitted Development) (England) Order 2015 (As Amended). The approval constitutes a material consideration in the determination of this appeal and is referenced within the Statement of Case below.

SMDC Space About Dwellings SPG

- 4.3 The Space About Dwellings SPG sets out minimum standards that new development should seek to achieve in the interests of safeguarding neighbouring residential amenity. The content of this document has been taken into consideration in the preparation of this appeal.

5 Main Issues

5.1 Having regard to the reason for refusal, the main issues to be considered in the determination of this appeal are:

- Whether the proposed development would have a harmful impact on the character and appearance of the surrounding area;

And

- Whether the proposed development would have a harmful impact on the amenity of the neighbouring dwellinghouse (no.20 Draycott Road).

-
- 6.4 The effect of that prior approval consent is to change the existing dwelling from its existing single storey form, to a full, two storey dwellinghouse. The appeal proposal will not stand any taller than that extant permission and will be constructed from a similar, matching palette of materials.
- 6.5 The only difference between the prior approval scheme and the appeal proposal is the introduction of a front projecting gable end, and the addition of a dummy pitched roof above the existing flat roofed garage. That projecting gable will sit below the main ridge line of the dwellinghouse, resulting in a subservient relationship to the main part of the dwelling. A strong, well defined eaves and ridge line will be maintained, in accordance with the advice set out within the Local Authority's adopted Design SPD.
- 6.6 The surrounding area exhibits a widely varying character, with a mixture of house types and architectural styles and scales of development observable. There is no strong prevailing vernacular. Projecting gables are nevertheless a relatively common feature within the locality, exhibited by the bungalows on the opposite side of Draycott Road, and on other properties to the west of the appeal site on the same side of the Draycott Road. The introduction of a front projecting gable will therefore not be incongruous or harmful to the character and appearance of the surrounding area.
- 6.7 On approach to the site along the Draycott Road from the west the development will be read in the context of the residential developments that extend beyond the site to the east. Likewise on approach from the east, the projecting gable will be viewed against the backdrop of the rising landscape behind, and the elevated gable end of the neighbouring property. The projecting gable to the dwelling will therefore not result in any materially greater impact on those views than would arise as a consequence of the extant upward extension scheme.
-

- 6.8 We consequently submit that the proposal will not detract from the character and appearance of the surrounding area and is therefore in accordance with the requirements of policy DC1 of the Local Plan.

Residential Amenity

- 6.9 The Local Authority also raises concerns that the development would harm the amenity of the neighbouring occupier at no.20 Draycott Road. The delegated report comments that:

“The increased massing at first floor would not be an issue if the neighbouring property did not have a first floor bedroom window which is the sole source of light to that bedroom. To add further massing at first floor level over and above what is approved as permitted development would elongate the building and result in an overbearing structure in close proximity to that window”.

- 6.10 We submit that the addition of the dummy roof pitch above the existing flat roofed side extension would not result in any material harm to the amenity of the neighbouring occupier. Indeed, those works could be undertaken as permitted development (Schedule 2, Part 1, Class A of the Permitted Development Order). The Local Authority raise no concerns in this regard either, focusing their attention on the increased massing at first floor level.
- 6.11 In consideration of this matter one needs to take account of the extant consent for an upward extension to this dwelling. That permission will see the single storey bungalow increase in height to become a two storey dwelling, presenting its resultant two storey gable end to the side facing window of the neighbouring property. The introduction of the projecting gable to the front is the only material difference between the extant upward extension consent

and the appeal proposal, and the Local Authority contends that the increased massing arising from it would result in harm to residential amenity.

- 6.12 The neighbouring property is located to the direct east of the site and has a principal window located centrally within in its side facing gable end. That window is understood to serve a bedroom, although it is unclear whether it constitutes a first, second or third bedroom window (principal windows being defined within the Local Authority's Space About Dwellings SPG as constituting the first and second bedrooms only).
- 6.13 We submit that the addition of a projecting front gable would not have any materially greater impact on the amenity of the neighbouring occupier over and above the works already approved under the extant upward extension consent.
- 6.14 The bedroom window sits centrally within the gable end and faces towards the gable end of the existing property, and in turn will face towards the two storey gable end of the approved upward extension. The addition of a projecting gable to the design will not be any more overbearing to the occupiers of that roof than that existing approved inter-relationship.
- 6.15 The proposal will furthermore not derive any conflict with the Local Authority's 45 degree standard, as set out within their adopted Space About Dwellings SPG. The plan shown in Figure 2 overleaf demonstrates the application of 45 degree standard and is clear that the projecting gable at first floor level will not breach that standard, either horizontally or vertically. The projecting gable will be off-set to the side of the neighbour's window, rather than in front of it, and will also sit at a lower level than the approved ridge line of the upward extension. The projecting gable will not result in the extensions to the dwelling projecting any closer to the neighbour's window than the extension already approved.

Figure 2 – Application of SMDC 45 degree standard



- 6.16 Furthermore, owing to the passage of the sun, the extension will not impinge on the level of daylight received by that window any more than it would be affected by the extant upward consent permission, as the appeal dwelling is located to the direct west/northwest of the neighbouring property, and does not sit forward of it. The space between the two buildings will be unaltered, and the proposed extension will not cause any greater degree of overshadowing of the neighbour's window than the approved upward extension.
- 6.17 The extant consent for an upward extension constitutes a material consideration of significant weight in the determination of this appeal, and will result in the existing bungalow becoming a two storey building, presenting its gable end to the neighbouring window which sits alongside. The appeal proposal will stand no taller than that approved scheme, and the addition of a projecting gable end will not result in any materially greater overbearing impact.

7 Conclusion

- 7.1 The extant upward extension approval carries significant weight as a material consideration in the determination of this appeal as it represents a realistic and viable fall-back position that is available to the appellant.
- 7.2 Having regard to the considerations set out in the Statement of Case above we submit that the proposed development will not have a harmful impact on the character and appearance of the surrounding area, and that the impact of the development on neighbouring residential amenity will no greater than that which the Local Authority has already approved via the upward extension approval (HNT/2023/0001).
- 7.3 The proposed development is consequently held to meet the requirements of policy DC1 of the Local Plan.
- 7.4 The Planning Inspector is therefore respectfully requested to allow the appeal and grant planning permission for the proposed development.