



Appeal Decision

Site visit made on 9 January 2024

by J D Clark BA (Hons) DpTRP MCD DMS MRTPI

an Inspector appointed by the Secretary of State

Decision date: 16th April 2024

Appeal Ref: APP/B3438/W/23/3326743

28 Mow Lane, Gillow Heath, Staffordshire ST8 6QQ

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr & Mrs Brayne against the decision of Staffordshire Moorlands District Council.
 - The application Ref SMD/2023/0056, dated 23 January 2023, was refused by notice dated 30 March 2023.
 - The development proposed is erection of replacement dwelling.
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Decision

1. The appeal is allowed and planning permission is granted for erection of replacement dwelling at 28 Mow Lane, Gillow Heath, Staffordshire ST8 6QQ in accordance with the terms of the application, Ref SMD/2023/0056, dated 23 January 2023, subject to the conditions in the attached schedule.

Preliminary Matters

2. A revised version of the National Planning Policy Framework (the Framework) was published in December 2023 and is a material consideration to this appeal. Having considered the revisions to the Framework, as well as the principles of natural justice, together with the nature of the determining issues in this appeal it is clear to me that there are no material changes in the revised Framework relevant to the substance of this appeal. Therefore, I do not consider it necessary, in this instance, to invite any submissions from the parties on the revised Framework.
3. The planning application was not advertised as affecting the setting of a Listed Building. However, this has subsequently been rectified and the Council has carried out the appropriate advertising in the local press. The consultation period has expired without any comments being received.

Main Issues

4. The main issues are:
 - whether the proposed development would preserve the setting of the Grade II Listed Building known as Gillowfold Farmhouse (the Farmhouse);
 - its effect on the character and appearance of the area; and on
 - the living conditions of the occupiers of 2 Essex Drive by reason of overlooking.

Reasons

Listed Building

5. While the Farmhouse may once have been a central element in a 15th Century farmstead, holding a commanding, hilltop position over the agricultural land surrounding it, it is today surrounded by 20th Century housing. Nonetheless, though its setting has changed, its intriguing form, detailing, and materials draw the eye from the less remarkable buildings around it. The phasing of the building, and its different designs, reflecting different periods of industry and growth in the area, the availability of prestige attached to different materials, and the importance of the building ascribed it by its arrangement and its architectural detailing, give it a very considerable historic and architectural significance. The Farmhouse is located on Mow Lane, separated from the appeal site by Essex Drive and another property 26a Mow Lane.
6. The appeal site comprises a detached dwelling and its gardens set in an elevated position on the corner of Mow Lane and Essex Drive. Despite its position, the prominence of the proposed dwelling is lessened by its location. The replacement dwelling would be set back from Mow Lane with a long driveway and the substantial area of grass verge on the corner of the two roads would add further separation from the road junction. The site does not historically relate to the Farmhouse and its direct bearing on the Farmhouse is considerably diminished by 26a Mow Lane which stands between the proposal and the Farmhouse.
7. The replacement dwelling would be located on the same site as the existing dwelling and whilst it may have a larger footprint than the existing dwelling with a render finish and incorporating a contemporary character with large, feature dormer style windows, its siting, its broadly similar height, its massing and appearance would not intrude in the setting of the Listed Building or reduce the spaciousness that remains in its setting. Nor, in this residential setting, would any of its features, or indeed its size, draw the eye away from the Farmhouse, in foreground or background views, or diminish the prominence the Farmhouse retains.
8. I therefore consider that the proposed development would preserve the setting of the Grade II Listed Building, Gillowfold Farmhouse. In reaching this conclusion, I have had regard to my statutory duty under Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 to the desirability of preserving a Listed Building and its setting or any features of special architectural or historic interest which it possesses. This is reflected in Policy DC 2 of the Local Plan¹ and as such, I do not consider that the proposal conflicts with this policy. Similarly, there would be no conflict with Local Plan Policy SS 6 which seeks to protect and enhance the setting and historic setting of the town, including heritage assets.

Character and Appearance

9. In addition to the Grade II Listed Farmhouse referred to above, the area is residential in character with an open recreational area opposite. The surrounding dwellings are a combination of bungalows, dormer bungalows and

¹ Staffordshire Moorlands Local Plan, Adopted September 2020.

two-storey houses. They are mostly brick built but render is also evident in the area.

10. As stated above, the proposed dwelling would be larger than the existing dwelling and its contemporary design would differ from those around it. However, there is no single or particular style of dwelling defining the character of the area. The overall scale, location and design features, such as the large windows, in this proposal would not appear unduly out of place. Although it would be close to the boundary with Essex Drive, it would be set back from Mow Lane and the junction with Essex Drive. It would not be of a scale that would appear unduly prominent or intrusive in the street scene.
11. I do not therefore consider that the character or appearance of the area would be harmed and no conflict would arise with Local Plan policies DC 1 or H 1 or the guidance in the Council's Design Guide² which seek to ensure that development is designed to respect the site and its surroundings, be of high quality and incorporate detailing and materials appropriate to the character of the area, amongst other things.

Living Conditions

12. There is a variety of hedging and landscaping along the boundary of the appeal site with Essex Drive but due to the topography of the area, the appeal site is elevated above the road. Internally the proposed dwelling would be arranged so that the bedrooms would be on the ground floor with the living areas on the upper floor. This would include a large window in the side elevation to a sitting area and a high-level window to the dining area. At this level the kitchen, sitting area and dining area would be part of an open plan arrangement so that the sitting and dining areas would also benefit from windows in the rear elevation of the dwelling.
13. Although 2 Essex Drive is across the road and has a tall mature hedge along the boundary with the road, it has windows in its side elevation. Due to the elevated position of the proposed dwelling, there could therefore be some overlooking of No 2, including into its garden areas. However, the appellant has stated that these windows could be obscurely glazed as there would be other windows to these areas of the dwelling, as referred to above. This could be subject to a condition thus avoiding any direct overlooking and subsequent loss of privacy.
14. Subject to an appropriately worded condition, therefore I do not consider that the living conditions of the occupiers of 2 Essex Drive would be harmed. As such, no conflict with Local Plan Policy DC 1 would occur in relation to its requirements to protect residential amenity in terms of privacy, amongst other things.

Conditions

15. In the absence of any conditions from the Council, I consider that a condition requiring facing materials including the colour of the render and the windows and doors is necessary in order to ensure that the appearance of the house is satisfactory in its context. As referred to above, I also consider that a condition requiring the upper floor windows in the east facing elevation to be obscurely

² Staffordshire Moorlands District Council Design Guide, Adopted as Supplementary Planning Document 21 February 2018.

glazed and non-opening is necessary in order to avoid overlooking of 2 Essex Drive.

16. I note that the Council's Environmental Health section has suggested a number of conditions in its consultation response. I consider that these are relevant for the following reasons. A condition with regard to hours of demolition and construction works is necessary in order to protect the living conditions of the occupiers of neighbouring properties. For the same reason measures to prevent materials being burnt on site or excessive dust emissions is necessary as no details have been submitted. Also, in the absence of any details, a condition is necessary to address any unexpected contamination, including coal measures, that may be found during demolition and construction works. I have amended the wording of the conditions in the interest of precision or conciseness and in accordance with the Framework and Planning Practice Guidance.

Conclusion

17. For the reasons given above the appeal should be allowed.

J D Clark

INSPECTOR

Schedule of Conditions

- 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans:
 - P246-200
 - P246-201
 - P246-202
 - P246-203
 - P246-210 PP01 Revision B
 - P246-211 PP02 Revision B
 - P246-212 PP03 Revision B
 - P246-213 PP04
 - P246-214 LP01
- 3) Demolition or construction works shall take place only between the following times:
 - 0800 – 1800 – Mondays to Fridays;
 - 0800 – 1300 – Saturdays;
 - and shall not take place at any time on Sundays or on Bank or Public Holidaysand subject to the following:
 - any waste material associated with the demolition or construction shall not be burnt on site but shall be kept securely for removal to prevent escape into the environment; and
 - dust prevention measures shall be made available on site in order to prevent dust being emitted beyond the site boundaries. The dust prevention measures shall be utilised in the event that demolition or construction works lead to dust emissions beyond the site's boundaries.
- 4) Any contamination, including surface coal measures, found during the course of construction of the approved development shall be reported immediately to the local planning authority. Development on the part of the site affected shall be suspended and a risk assessment carried out and submitted to and approved in writing by the local planning authority. Where unacceptable risks are found remediation and verification schemes shall be submitted to and approved in writing by the local planning authority. These approved schemes shall be carried out before the development or relevant phase of development is resumed or continued.
- 5) Other than demolition, no above groundwork shall take place until details of the materials to be used in the construction of the external surfaces, walls, roof and windows and doors shall be submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.

- 6) The building hereby permitted shall not be occupied until the windows at first floor level on the east facing elevation have been fitted with obscured glazing, and no part of those windows that are less than 1.7 metres above the floor of the room in which it is installed shall be capable of being opened. Details of the type of obscured glazing shall be submitted to and approved in writing by the local planning authority before the window is installed and once installed the obscured glazing shall be retained thereafter.