



Appeal Decision

Site visit made on 14 April 2024

by A Hartley, LLB(Hons), Solicitor, MBA

an Inspector appointed by the Secretary of State 13th May 2024

Appeal Ref: APP/B3438/D/24/3340531

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

- 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 J Bentley against the decision of Staffordshire Moorlands District Council.
 - The application Ref SMD/2023/0585, dated 27 November 2023, was refused by notice dated 21 January 2024.
 - The proposed development is a side extension with amended roof details and provision of a first floor to provide additional accommodation.
-

Decision

1. The appeal is allowed and planning permission is granted for a side extension with amended roof details and provision of a first floor to provide additional accommodation at 24 Draycott Road, Upper Tean, Staffordshire, ST10 4JF in accordance with the terms of the application reference SMD/2023/0585 dated 27 November 2023 subject to the following 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 23/673/02A, 03A, 04A, 05.
 - 3) The materials to be used in the construction of the development hereby permitted shall match those used in the existing building.

Main Issue

2. The effect of the proposal on the living conditions of neighbouring occupiers at No 20 Draycott Road, with regard to loss of light and harm to outlook.

Reasons

3. The appeal property comprises a detached single storey residential bungalow constructed with facing red brickwork and a concrete pantile roof. The proposal would re-model the property to create a full two-storey dwellinghouse including a garage with dummy pitched roof at the side adjacent to 20 Draycott Road.
4. The appeal property has an extant Prior Approval Ref HNT/2023/0001 for an upward extension. The Appellant states that in the event the appeal is refused it is their intention to implement the Prior Approval. The Prior Approval works are for a similar extension to the appeal proposal, and as such I see no reason why this would not occur. As there is a reasonable prospect that the Prior

Approval works would take place they constitute a fall-back position to which I attach great weight.

5. The sole issue between the parties concerns the effect of the forward projecting two-storey element of the proposal on the first-floor bedroom window of 20 Draycott Road. This is the element of the proposal that has a greater effect on No 20 than the fallback proposal. The Council has concluded that the elongation of the gable end would result in an overbearing structure close to that window, which would result in an unacceptable loss of light and harm to outlook from the affected bedroom.
6. However, the forward projecting gable complies with the adopted Staffordshire Moorlands Spaces About Dwellings Supplementary Planning Guidance "45 degree standard". This is because it is off set from the affected window. It is also set slightly back from the single-storey element of the proposal, further away from the window. I have therefore found no particular circumstances that would justify a departure from the Council's adopted "45 degree standard". Consequently, the gable end element would not have an unacceptable effect on outlook from the neighbouring window or be unduly overbearing.
7. With regard to loss of light, the affected window in No 20 faces north west and the proposed projecting gable would be to the south west of the window. There would, therefore, be negligible loss of sunlight to the affected bedroom in comparison to the fallback position. There would also be no unacceptable loss of light to the affected bedroom because of the distance to the proposed gable extension.
8. Overall, I find that the proposal would not have a materially greater effect on the living conditions of occupants at No.20 than the Prior Approval already granted by the Council. Nor would it unacceptably harm the living conditions considered on its own merits.
9. The proposal would not, therefore, unacceptably harm the living conditions of the neighbouring occupiers at No 20 Draycott Road, with regard to loss of light and harm to outlook. The proposal therefore complies with Policy DC1 of the Staffordshire Moorlands Core Strategy DPD (2020) and the Staffordshire Moorlands Design Guide SPD (2018), and the National Planning Policy Framework.

Other Matters

10. The flat roofed garage has been demolished. For the avoidance of doubt, I have determined this appeal based upon the plans as submitted.
11. Objections have been made in relation to the effect of the proposal on the character and appearance of the area. I am satisfied having regard to the submissions from the main parties and my observations on site that the proposal will contribute positively to the character and appearance of the area.

Conditions

12. I have had regard to the conditions suggested by the Council. I have imposed a condition specifying the approved plans as this provides certainty. In the interests of the visual amenity of the area I have imposed a condition regarding materials.

Conclusion

13. Having taken into account all representations made, for the reasons given above, I conclude that the appeal should be allowed subject to conditions.

A Hartley

INSPECTOR