The Planning Inspectorate

Appeal Decision

Site visit made on 24 April 2023

by Samuel Watson Ba(Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 15th June 2023

Appeal Ref: APP/B3438/W/22/3313195
Land adjacent to The Bungalow, High Street, Kingsley, Staffordshire ST10 2AE

- 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 John Matthews against the decision of Staffordshire Moorlands District Council.
- The application Ref SMD/2021/0565, dated 24 August 2021, was refused by notice dated 12 September 2022.
- The development proposed is the erection of 1 dwelling on land off existing access route.

Decision

1. The appeal is dismissed.

Applications for costs

2. An application for costs was made by Mr John Matthews against Staffordshire Moorlands District Council. This application is the subject of a separate decision.

Preliminary Matters

3. A reserved matters permission was granted in 2018 (reference SMD/2018/0060 following outline permission granted in 2015) for a new dwelling at the site, but the permission has since expired and is no longer extant. I understand that that scheme was identical to this appeal proposal. It appears from the submissions before me that the policy situation since the previous permission has not changed. However, I note that an extension has been built at No 40 High Street and that on-street parking arrangements along High Street have also changed since that permission was granted. Given the situation has changed on the ground, and although I have been mindful of the previous permission, it is necessary to reconsider these matters.

Main Issues

4. The main issues are the effect of the proposal on (1) the living conditions of neighbouring occupiers; (2) character and appearance of the surrounding area, including heritage assets; and, (3) highway safety.

Reasons

Living Conditions

5. The appeal site is located off a shared driveway accessed via High Street and is set behind buildings fronting the street. The land level rises up from the road towards the rear of the appeal site. As noted above, No 40 High Street has recently been extended to the rear. This includes a two-storey section and a single-storey conservatory that faces the appeal site. Whilst the upper floor window is obscure glazed, the conservatory is not.

6. The proposal includes the erection of a two-storey dwelling with the first-floor accommodation provided within the roof. There are a number of windows proposed on the front elevation. However, given the orientation of the building and the distance between it and No 40, I find that only the windows serving bedrooms 2 and 3 of the ground floor would have the potential to result in overlooking or a loss of privacy. Whilst the window serving the W/C on the first floor would be of a similar distance to these two, given the use of the room the window could easily be obscure glazed by condition in the event the appeal were to be allowed.

7. Given the slightly raised position of the proposed dwelling in comparison to No 40 the windows at bedrooms 2 and 3 would be afforded views down into the conservatory. Views would predominantly be afforded from Bedroom 2 given its closer proximity to the conservatory when compared against Bedroom 3. Nevertheless, I find that both would result in overlooking and a loss of privacy to the neighbouring occupiers. Given the glazed nature of the conservatory there would be a sense of being exposed and on show when making use of the room. Whilst there is a fence between the two properties this would not be sufficient to screen views. Consequently, I find that the proposal would result in harm whereas the previous permission, granted prior to the erection of the extension at No 40, would not have done.

8. No 40 is located between the proposed dwelling and No 42 High Street and as such screens views from the proposal to the associated dwelling. Whilst some views may be achieved of the garden serving No 42, I find that these would be at a distance and at an acute angle. Consequently, I find that no unacceptable loss of privacy would arise for the occupiers of No 42 to the detriment of their living conditions. Similarly, I do not find the proposal would result in an overbearing impact on the occupiers of neighbouring properties given the degree of separation between them. In considering this I am mindful of the change in land levels between the proposal and the properties closer to High Street.

9. Nevertheless, the proposal would result in an unacceptable level of overlooking to the detriment of the living conditions of the occupiers at No 40. The proposal would therefore conflict with Policy DC1 of the Staffordshire Moorlands Local Plan (the LP, September 2020) which requires that developments protect residential amenity with particular regard to outlook and privacy. The proposal would also conflict with Chapter 12 of the National Planning Policy Framework (the Framework), including Paragraph 130 which, amongst other matters, seeks developments to create places that promote well-being, provide a high standard of amenity and does not undermine quality of life.

Character and Appearance

10. As noted above the appeal site is set back from the road. Whilst it is in an elevated position, the appeal site it is located behind buildings and so can only be viewed, from High Street, along the shared driveway. However, clearer views of the site are afforded from a public footpath to the rear of the site. There is not a strong pattern of development or style of buildings. Instead I find the area to be largely informal and organic in its layout and that the buildings themselves covered a wide mix, with historic and modern examples.

11. The shared driveway contains a section of wall associated with Wesley House, both of which are non-designated heritage assets (NDHA). The wall is made of stone and is simple in appearance. Its significance stems from its relationship to the former chapel. Wesley House fronts on to High Street and is finished in a mixture of red brick and stonework. From my observations on site, it is clear that the building has been converted and extended significantly. I therefore find its significance stems primarily from the legibility of the building's former use and its relationship to the wider settlement. Nearby there is also a listed building, number 44 High Street, this is a three-storey property which extends back from the High Street and is set into the hillside. Whilst a somewhat simple building, the road facing elevation is finished in ashlar and the building benefits from a string course and at least one hood mould. The significance of this building stems, at least in part, from its appearance, the materials of its construction and its relationship to the road.

12. The proposed dwelling itself, whilst clearly modern in appearance, makes use of traditional design features, such as the roof and dormer windows. The low roof would limit the visual bulk of the building and, along with its siting well away from the road, would result in a retiring feature within the area. Whilst the dwelling would take up a large portion of the appeal site, space would nevertheless be retained around it. The shared driveway, neighbouring gardens and the field behind would further contribute to this and ultimately provide a sense of spaciousness. Consequently, I find the proposal would not appear cramped within the plot, or over development of the site.

13. Although the new dwelling would be visible from the footpath, views towards Kingsley already take in the existing dwellings that make up the settlement. I find that one additional dwelling would not unacceptably affect the character and appearance of the surrounding area when appreciated from the footpath.

14. I note that both the listed building and NDHAs can be seen in relation to the proposed dwelling. However, the area is characterised by buildings of various ages and the proposal would visually contribute to the organic growth of the settlement. The design would also maintain a degree of visual separation from the heritage assets and would not pull attention from them. Although the Council are concerned about potential physical harm to the wall, I have not been provided with any substantive evidence that this would occur. I therefore find the proposal would have a neutral impact on Wesley House, the former chapel and stone wall.

15. In light of the above, the proposal would not harm the character and appearance of the surrounding area, including heritage assets. The proposal would therefore comply with LP Policies DC1 and DC2 which, amongst other matters, require developments to be of a high quality that respects its surroundings and promote a sense of place whilst conserving, or enhancing, the setting of heritage assets. The proposal would also comply with Chapters

12 and 16 of the Framework including Paragraphs 130 and 189 with regard to developments being sympathetic to the local character and history of the building environment and the importance of conserving heritage assets.

Highway Safety

16. The shared drive serving the appeal site is also used by numbers 40, 42 and 44 High Street with parking provided along the side of No 42 and to the rear of numbers 40 and 44. The High Street, from my observations on site and the evidence before me, is a busy road with a high level of traffic that includes heavy goods vehicles (HGV).

17. The junction between the driveway and High Street is relatively narrow due to the vegetation along one side. As a result of the boundary wall serving No 42 views towards the right, when facing High Street, are restricted, views to towards the left are also restricted but to a more limited extent and only by a temporary feature. The access does not meet the required visibility distances for a 30mph road as set out in the Manual for Streets. Motorists leaving the site would therefore have difficulty seeing oncoming traffic resulting in a risk to highway safety. However, as the driveway is currently in use by three properties, this is an existing issue.

18. Moreover, whilst on-street parking restrictions may have changed, I find it would not have been possible to rely upon parked vehicles along High Street to act as a shield whilst vehicles are leaving the shared drive. Whilst parking provision was previously provided along the street, vehicles may not have necessarily been parked there at all times.

19. I am also mindful that the LvW Highways statement submitted by the Council confirms that from the data before them, there have been no reported accidents in the area over the last five years. Whilst there have been reports recorded before then, it does not appear that they are related to the shared driveway.

20. Whilst the risk to highway safety is existing, I am mindful that the proposal would increase the number of vehicular movements associated with the driveway. However, as three properties already make use of the drive the increase in movements, and any highway risk, would not be significant or unacceptable. This is especially given that there is no substantive evidence that the existing circumstances are unsafe.

21. Whilst I note LvW Highways' concerns over the ability for vehicles to turn on site, it appears that the plans referred to are demonstrating neighbour's vehicles turning, and so making use of land within their own, not the appellant's ownership, would not be unexpected or unacceptable. Similarly, whilst I note concerns regarding delivery vehicles and HGVs serving the site, I find that these could be dealt with via a suitably worded condition in the event the appeal were to be allowed.

22. Therefore, given the above, the proposal would not unacceptably harm highway safety and would comply with LP Policies DC1 and T1 which require, amongst other matters, developments to provide safe and satisfactory access. The development would also comply with Chapter 9 of the Framework, including Paragraph 111 which sets out that developments should only be

refused on highway grounds if an unacceptable impact to highway safety is found.

Conclusion

23. The Government's objective is to significantly boost the supply of housing and the proposal would provide one new dwelling. It would also lead to a small and time-limited economic benefit during the construction phase, as well as some limited social and economic benefits resulting from future occupiers. Given the small scale of the proposal these matters would at most attract moderate weight.

24. Conversely, the proposal would result in harm to the living conditions of neighbouring occupiers at number 42 High Street, in conflict with the development plan taken as a whole. This attracts significant weight and outweighs the benefits associated with the proposed development.

25. The proposal would therefore conflict with the development plan and there are no other considerations, including the Framework, that outweigh this conflict. Therefore, for the reasons outlined above, I conclude that the appeal should be dismissed.

Samuel Watson

INSPECTOR