
Appeal Decision

Site visit made on 19 June 2024

by **Andrew McCormack BSc (Hons) MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 8th August 2024

Appeal Ref: APP/B3438/W/24/3338540

Land to rear of Rosedale, 403 Cheadle Road, Cheddleton, Staffordshire ST13 7BH

- 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 Ms T J Bode against the decision of Staffordshire Moorlands District Council.
 - The application Ref SMD/2021/0155, dated 4 March 2021, was refused by notice dated 11 August 2023.
 - The development proposed is demolition of existing attached garage and erection of 4 detached dwellings and replacement garage.
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Decision

1. The appeal is dismissed.

Application for Costs

2. An application for costs was made by Mrs T J Bode against Staffordshire Moorlands District Council. This application is the subject of a separate Decision.

Procedural Matters

3. The submitted application form described the proposed development as “*Demolition of existing attached garage, erection of 4 detached dwellings and replacement garage.*” However, the application was validated by the Council without reference to the replacement garage, thus described as “*Demolition of existing attached garage and erection of 4 detached dwellings.*” No change to the application description was sought from the appellant by the Council and the applicant had not indicated that a change to the description was sought. Therefore, I consider that the proposed development is most accurately described as originally submitted on the application form and I have determined this appeal on that basis.
4. The proposed development was recommended for approval in the Delegated Officer Committee Report to the Planning Committee. However, after consideration by elected Members of the Committee, the proposal was refused planning permission for the reasons set out on the Council’s Decision Notice.
5. An application (ref: SMD/2023/0489) submitted by the appellant for the demolition of the existing attached garage at 403 Cheadle Road and the erection of three detached dwellings and replacement garage at the appeal site was approved by the Council on 15 December 2023. As such, I have had regard to this approval as a material consideration. Nonetheless, I confirm that I have determined this appeal proposal separately and on its own merits and circumstances.

Main Issues

6. The main issues are the effect of the proposed development on:
- the character and appearance of the surrounding area; and
 - the living conditions of neighbouring occupiers with regard to an overbearing development, privacy and outlook; and

Reasons

7. The appeal site comprises an 'L' shaped parcel of land extending to about 0.3 hectares. The site is on the eastern side of Cheadle Road and includes the existing dwelling at 403 Cheadle Road and its curtilage. From the rear of that dwelling the site runs at right angles between north and south and includes land, presently in use as a paddock, that has a linear orientation across the rear of the four residential properties at 405-411 Cheadle Road. The site is in a predominantly residential area within the defined settlement boundary of Cheddleton. To the north, there is a recent development of four detached houses, known as The Oakes, which abuts the appeal site. Land to the east, outside of the settlement boundary, is designated as open countryside and Green Belt. To the south lies Pointon Park, whilst to the west there are the rear gardens of 405-411 Cheadle Road which abut the site.

Character and appearance

8. The settlement of Cheddleton is defined in the Local Plan as a 'larger village' where area strategy SS8 applies. In part, the strategy for the defined 'larger villages' seeks to provide a large proportion of the identified housing requirement of the rural area, whilst ensuring that new development reflects and enhances the special character and heritage of such areas. Moreover, Policy H1 of the Local Plan states that development is to be assessed with regard to the extent it provides for high quality, sustainable housing and meets identified housing needs. Development should also be considered in terms of its location, the characteristics of the site and the economics of provision.
9. In a more general context, to comply with Policy DC1 of the Local Plan, all development must be well designed and reinforce local distinctiveness through positively contributing to, and complementing, the special character and heritage of the local area in line with the Council's Design Guide Supplementary Planning Document (SPD).
10. In my assessment, the proposed development would result in an over-development of the appeal site. The proposed four dwellings would create a form of development that would be overly dense with a site layout that would be cramped. It would be of a more compact urban character which would not reflect the predominantly semi-rural location and context of the site. As a result, the proposal would have an adverse impact on the character and appearance of the surrounding area and would not relate positively to the pattern, scale, character and form of the locality. It would be out of keeping with, and detract from, the spacious character and appearance of the area and the local built environment.
11. The relatively high density of the proposed development with the four detached dwellings of the size proposed would result in a lack of visibility through, and across, the site. The proximity of the proposed dwellings to each other would restrict views towards the countryside through the site from the existing properties on Cheadle Road. This would create an overly urban appearance that would not reflect the spaciousness of the surroundings and would be out of keeping with them.
12. From the proposed site layout, the proximity of the proposed dwellings to each other would result in a development that would be unnecessarily cramped. This would result in properties that would be poorly related to each other and a development at odds with the scale, character and density of its surroundings.

13. Furthermore, the relationship of the dwellings to each other in terms of their orientation would result in a poor flow to the site overall. Due to the large size and number of the dwellings and their proximity and relationship to each other, the overall scheme would be an uncharacteristic over-development of the relatively small and compact site.
14. The proposed garden areas would be smaller than those generally found in the locality. Due to the orientation of the proposed dwellings, the gardens would be unusual shapes which would likely result in limiting their overall use and give the effect of appearing even smaller. As a result, I find that the proposed layout would not be in keeping with the other surrounding dwellings to the north and west and the scheme and would relate poorly to the prevailing characteristics of the surrounding development.
15. Overall, having regard to the number of dwellings, the layout of the scheme and its context and surroundings, I conclude that the proposed development would have a significant adverse effect on the character and appearance of the surrounding area. Consequently, it would conflict with policies SS8, H1 and DC1 in the Staffordshire Moorlands Local Plan 2020 (the Local Plan), guidance within the Council's Design Guide SPD and the National Planning Policy Framework (the Framework).

Living conditions

16. From the proposal submitted, it is evident to me that vehicle parking and turning provision indicated within the appeal scheme would present practical issues that would likely result in on-going disruption, disturbance and conflict for future residents and visitors. I find that the cramped layout would make it difficult to manoeuvre vehicles on and off driveways, in and out of spaces and navigate around the site smoothly via the narrow access road. Having had regard to the highway authority's view on the proposed highway provision, I find that although the proposed development would not necessarily be substantively harmful in terms of highway safety, it would have a detrimental effect on the accessibility and the flow of traffic around the site.
17. The overdevelopment of the site and cramped layout of the four dwellings proposed would result in the creation of limited space within which to park and turn a vehicle. It would also create difficult access, parking and turning issues that would result in an environment that would function poorly for future resident occupiers and visitors alike and be dominated by vehicles. For example, I find that pinch points would be created particularly in relation to the narrow points of the access road at the dwellings on Plots 2 and 3 that would hamper access and circulation around the site.
18. Taking account of the Council's parking guidance, for dwellings of four or more bedrooms, three parking spaces are required to be provided within the curtilage of the dwelling. The site layout plan proposed takes this requirement into account by incorporating one parking space per dwelling within a garage. The Council has raised concern about the fact that residents generally now use garage space for household storage, rather than for parking vehicles. Moreover, I have also had regard to the Council's point that a larger family occupying a large family-sized dwelling is likely to have both significant storage and car parking needs. I agree with the Council on this point. As a result, I find that the provision of a parking space within an allocated garage space, whilst meeting the requirements of the Council's parking guidance would likely, in practical terms, not be available or used for parking. Accordingly, the proposed development would, in reality, likely need to provide up to four more parking spaces within the proposed layout. In my assessment, I find it difficult to see where these spaces would be located to not result in obstructing the highway and free flow of vehicle movements. As such, I have concerns about the practicalities of the parking provision identified within the proposed layout.
19. Furthermore, in the case of three of the four proposed dwelling plots, the site layout proposes parking which would result in parked vehicles being positioned end to end on driveways. This potentially, would require the movement of vehicles to allow the access

and egress of other vehicles on drives and within allocated spaces. In my view, this would not result in a practical or pragmatic layout and would make the proposed development less effective and inefficient in its parking provision and access due to the limited space available around the four dwellings.

20. In considering these points, I find that the proposed layout would result in a parking arrangement with challenging provision for access, egress and manoeuvrability of vehicles around the site. The proposed layout would, in my view, also result in practical difficulties for larger vehicles, such as those used for deliveries and refuse collection, which would not be able to easily turn, park or wait in the limited road space available. In addition, the number of pinch points within the site layout - particularly at Plots 2 and 3 - would result in the potential for vehicle conflict as well as compromise the movement and safe operation and movement of larger commercial vehicles on the site.
21. The elevations of the proposed dwellings, and some of their windows, would be particularly close to the access road within the site. In some cases, this would result in the movement of vehicles adjacent to the elevations and ground floor windows of the dwellings. In the case of Plots 1 and 2, this would involve vehicles closely passing by living room windows and, in the case of Plot 3, a dining room window in the side elevation. In my view, the proximity of this would result in a further contribute to the scheme being an overbearing form of development for occupiers.
22. It is acknowledged that the highway and parking provisions within the proposed development have been considered acceptable by the highway authority and that the Council's parking guidance has been met. Nonetheless, I find that the cramped layout proposed and the provision for parking, access and movement of vehicles around the development would result in causing an adverse impact on the living conditions of occupiers and visitors by way of creating a cramped and overbearing form of development.
23. With regard to the potential impact on outlook and privacy, I note that the proposed dwelling on Plot 4 would have a front-facing outlook that would face the angled side elevation of the dwelling at Plot 3 which would include a ground floor dining room window. In my estimation, this would be about 15 metres away. In addition, the front of the dwelling at Plot 3 would be set behind the dwelling at Plot 2 with the side wall of Plot 2 flanking the view from the living room window of Plot 3 and limiting the outlook from that dwelling as a result. In both examples, through my consideration of the proposed layout drawings and my observations and assessment on site, I find that future occupiers of both dwellings would have a compromised outlook and in the case of the relationship between Plot 4 and Plot 3, there would also likely be an adverse impact on privacy for the occupiers of both dwellings due to their proximity and positioning.
24. I have also considered whether the proposal would be harmful to the residential amenity of the occupants of existing adjacent properties, particularly in terms of reduced privacy and outdoor space and increased noise and disturbance. The proposal identifies that the existing host dwelling (No.403) would have its rear garden and amenity space significantly reduced due to the angle of the proposed access road cutting across the existing garden area. The garden of No.403 would also be significantly smaller than the other gardens of existing properties at Nos.405-411 Cheadle Road. Whilst I consider the reduced garden area would be acceptable, I find that the reduction in garden space would have a detrimental impact on outlook for the occupiers of No.403 from the rear aspect of the house.
25. The reduced garden and dwelling at No.403 would be surrounded on three sides by highway, with the proposed access road to the side and rear and Cheadle Road to the front. As such, the associated vehicular movements comprising the comings and goings relating to the four proposed dwellings would pass close along the boundary of the garden and the side elevation of the dwelling. The movement, frequency and volume of vehicles

along the access road would, in my view, have an adverse impact on the occupiers of No.403 and would be a further contributing factor to the proposed scheme being an overbearing form of development. Furthermore, I find that the proximity and frequency of vehicle movements would also result in a significant adverse impact on the amenity of the occupiers of the property in terms of noise and disturbance.

26. The positioning and orientation of the proposed dwellings relative to the existing properties on Cheadle Road (Nos. 403-411) and to each other within the proposed layout, would in my assessment, result in an unreasonable and unacceptable loss of privacy for the occupiers of existing dwellings. The proximity of first-floor front bedroom windows of the proposed dwellings, particularly at Plots 1 and 2, would overlook the rear elevations of the properties and gardens of Nos.403 and 405 Cheadle Road. Furthermore, the proposed dwellings would have an adverse visual impact on the existing occupiers due to the scale and proximity of the front elevations at Plots 1 and 2 in relation to the rear of the existing properties. This would be a further contributing factor in terms of the proposed layout resulting in a visually overbearing form of development.
27. I have also considered the impact of the proposed development in terms of the loss of daylight. However, based on the evidence before me, I find that there would be no substantive detrimental impact on daylight as a result of the proposed scheme.
28. For the above reasons, I find that the cramped layout of the proposed development would, result in harmful effects on the living conditions for existing and future residents in terms of outlook, privacy and an overbearing form of development. I have also found that there would be some limited harm in terms of noise and disturbance as I have identified. Consequently, I conclude that the proposed development would be contrary to Policy DC1 of the Local Plan and the relevant guidance and advice within the Framework.
29. Consequently, I conclude that the proposed development would have a significant detrimental impact on living conditions of existing and future occupiers with regard to causing a visually overbearing form of development, outlook and privacy. Therefore, it would conflict with policies SS8, H1 and DC1 of the Local Plan, the Council's Design Guide and the relevant parts of the Framework.

Planning Balance and Conclusion

30. In my careful consideration of the planning harms identified, I find that cumulatively, these harms would have a significant detrimental impact on the character and appearance of the surrounding area, residential amenity and in relation to highway safety and parking. As a result, when considered cumulatively in the overall balance, I find that the significant weight I have attributed to these harms outweighs the weight given to the benefits of the proposed scheme and the presumption in favour of development that is set out in Local Plan policy and which supports windfall development within the larger villages as an important contribution to rural housing requirements.
31. For the above reasons, and having had regard to all other matters raised, I conclude that the appeal should be dismissed.

A McCormack

Inspector