

GROUND OF APPEAL

**LAND AT CHEDDLETON PARK AVENUE
CHEDDLETON**

DECEMBER 2024

Site Address:

Land off Cheddleton Park Avenue, Cheddleton, Staffordshire, ST13 7NS

Appellant:

Moorland Homes (Cheadle) Ltd.

Proposal:

Erection of detached dwelling

Grounds of Appeal:

Date Issued: 18th December 2024

Job Reference: RDP/2024/066

Report Prepared By:

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1 Introduction & Background

- 1.1 Rob Duncan Planning Consultancy Ltd. has been instructed by Moorland Homes (Cheadle) Ltd. to lodge an appeal pursuant to 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 detached dwelling on a parcel of land to the west of Cheddleton Park Avenue, Cheddleton (LPA Reference: SMD/2024/0341).
- 1.2 The application had represented a resubmission following the withdrawal of application SMD/2024/0044 which had proposed the erection of a detached dormer bungalow on the site. The revised proposal encompassed the erection of a two storey dwelling on the site, sited to the north and west of two recently constructed dwellings on the adjacent parcel of land (nos. 79 and 86 Cheddleton Park Avenue) as approved under planning application SMD/2020/0365.
- 1.3 The proposed dwelling will occupy a footprint of 96 square metres and have a gross internal floor area of 165 square metres. The dwelling will stand to a ridge height of 8.1 metres, and is to be constructed from red/orange facing brickwork with a slate grey tiled roof atop.
- 1.4 The accommodation of the dwelling will comprise of a lounge, kitchen/family room, hallway, w.c. and integral garage at ground floor, four bedrooms (one ensuite) and bathroom at first floor, with a play room and study incorporated within the roofspace.
- 1.5 Vehicular access to the site will be taken via the approved field access located in between nos.79 and 86 Cheddleton Park Avenue, with the hardstanding extended accordingly. Access to the field beyond is also to be retained for

agricultural vehicles. Off street parking for three vehicles (one within the integral garage) is to be provided.

1.6 The application was refused under delegated authority for the following reasons:

1. *The proposed development, by virtue of its scale, form and in particular its siting in relation to existing development to the east and adjacent open land to the west, which is considered to contribute positively to the character and appearance of the area and the character of the setting of the village, would be harmful to the overall character and appearance of the area and the historic and rural setting of the village and would therefore not comply with policies H1 'New Housing Development', DC1 'Design Considerations' or DC3 'Landscape and Settlement Setting' of the Council's Local Plan (adopted Sep 2020) and is not in line with Section 12 of the National Planning Policy Framework (NPPF).*
2. *The proposed dwelling, by virtue of its scale, height and design, would lead to significantly intrusive overlooking of the entire rear garden of an adjacent dwelling, No.79 Cheddleton Park Avenue, to the extent that the privacy of the occupants of that property and therefore their overall residential amenities, would be significantly harmed. The proposal would therefore not comply with Policy DC1 of the Local Plan or Section 12 of the NPPF.*

1.7 This document sets out the appellant's Grounds of Appeal having regard to the stated reasons for refusal.

2 Site & Surroundings

- 2.1 The appeal site lies within the defined settlement boundary of Cheddleton and comprises a parcel of agricultural land located at the westernmost end of Cheddleton Park Avenue. The site follows the natural contours of the landscape which generally slopes downwards from the south towards the north.
- 2.2 To the north of the site, some 100 metres beyond an area of agricultural land / grassland, lies the Caldon Canal Conservation Area which runs in an east / west direction flanking either side of the canal. Further to the west, beyond a more expansive area of agricultural land and a small cluster of buildings, lies that the Cheddleton Conservation Area, along with the Red Lion Inn (Grade II Listed) which is some 229 metres away from the site.
- 2.3 Uphill from the site in a south-westerly direction, some 187 metres distant, lies the Grade II Listed Grange Farmhouse along with a two-storey threshing barn (155 metres distant) which is Grade II Listed in its own right. To the south of the site lies a recently constructed dwellinghouse (no.79), beyond which the landscape slopes upwards towards a line of mature vegetation.
- 2.4 To the east of the site lies a further recently constructed dwellinghouse (no.86 Cheddleton Park Avenue). A further recently constructed dwelling lies to the southeast. Dwellings beyond those properties to the east and southeast are more established, having been constructed in the early 1990s and are typically two-storey in nature, with a mixture of design detailing.

3 Planning Policy

3.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires proposals to be determined in accordance with the Development Plan taking into consideration any material considerations relevant to the determination of the application. The Development Plan for this area comprises the Staffordshire Moorlands Local Plan (Adopted 2020) of which the following policies are cited within the reasons for refusal:

3.1 Policy H1 of the Local Plan relates to 'New Housing Development' and states that all development will be assessed according to the extent to which it provides for high quality, sustainable housing and to which it meets identified housing needs, having regard to the location of the development, the characteristics of the site and the economics of provision.

3.2 All housing development should be at the most appropriate density compatible with the site and its location, and with the character of the surrounding area. Higher densities will generally be appropriate in locations which are more accessible by public transport and which have good access to services.

3.3 All new dwellings should aim to provide flexible accommodation which is capable of future adaptation by seeking to achieve adequate internal space for the intended number of occupants in accordance with the Nationally Described Space standard and delivered to meet accessibility standards set out in the Optional Requirement M4(2) of Part M of the Building Regulations. This will be determined on a site-by-site basis subject to considerations such as viability and design.

- 3.4 All new dwellings must be of sufficient size to provide satisfactory levels of amenity for future occupiers of the dwellings whilst respecting the privacy and amenity of occupiers of existing dwellings.
- 3.5 Within the development boundaries of the towns and larger villages, residential development and development on unidentified (windfall) sites will be permitted, subject to compliance with the Spatial Strategy and wider Local Plan policies. In all cases the development will not lead to a prominent intrusion into the countryside or have a significant adverse impact on the character and appearance of the countryside
- 3.6 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 requirements):
- 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, visual impact, sunlight, outlook, privacy, soft landscaping as well as noise, odour and light pollution;

- provide for safe and satisfactory access and make a contribution to meeting the parking requirement arising from necessary car use;
- new developments to be well integrated for car, pedestrian and cycle use as well as other sustainable transport links;

3.7 Policy DC3 of the Local Plan relates to 'Landscape and Settlement Setting' and states that the Council will protect and, where possible, enhance local landscape and the setting of settlements in the Staffordshire Moorlands by:

1. Resisting development which would lead to prominent intrusion into the countryside or have a significant adverse impact on the character or the setting of a settlement or important views into and out of the settlement as identified in the Landscape and Settlement Character evidence;
2. Supporting development which respects and enhances local landscape character and which reinforces and enhances the setting of the settlement as identified in the Landscape and Settlement Character evidence;
3. Supporting developments which conserve or enhance the biodiversity qualities of any natural or man-made features within the landscape, such as trees, woodlands, hedgerows, walls, watercourses or ponds;
4. Supporting opportunities to positively manage the landscape and use sustainable building techniques and materials which are sympathetic to the landscape;
5. Ensuring that development does not adversely affect the wider setting of the Peak District National Park.

4 Other Material Considerations

National Planning Policy Framework

- 4.1 The National Planning Policy Framework places a strong emphasis on securing sustainable development and sets out guidance, *inter-alia*, in respect of significantly boosting the supply of housing and securing high quality design. The content of the National Planning Policy Framework was taken into consideration in the preparation of the application.

5 Main Issues

- 5.1 The delegated report accompanying the application confirms that the principle of development is acceptable in this location, owing to the site being within the defined settlement boundary of Cheddleton, wherein new housing is supported by policies SS8 and H1 of the Local Plan. It is also confirmed within the delegated report that the proposal is acceptable from a highway safety perspective.
- 5.2 The delegated report also confirms that the development will achieve a 10% net gain to biodiversity but highlights the absence of a completed BNG metric. For avoidance of doubt, we can confirm that the BNG metric was submitted at the time of the application and was also subsequently provided to the Planning Officer upon his request (email dated 1st October 2024 refers). The Biodiversity Net Gain Report accompanying the application serves to demonstrate that a 13.05% net gain will be secured.
- 5.3 Having regard to the reasons for refusal it is concluded that the main issues to be considered in the determination of the appeal are therefore:
1. Whether the proposed development would be harmful to the character and appearance of the area; and
 2. Whether the proposed development would lead to unacceptable overlooking and loss of amenity to neighbouring occupiers of no.79 Cheddleton Park Avenue

6 Statement Of Case

Character and Appearance

- 6.1 The first reason for refusal cites concerns that the scale, form and siting of the proposed dwelling in relation to existing development to the east, and open land to the west, would be harmful to the overall character and appearance of the area and the historic and rural setting of the village.
- 6.2 The delegated report elaborates on these concerns further and makes reference to the previously withdrawn application on the site for a dormer bungalow. It comments that this previously withdrawn proposal, by reason of its siting, footprint, form and design, would not have been in keeping with the form and layout of development in the surrounding area, including the more recently constructed dwellings adjacent.
- 6.3 Concerns were also raised in that submission that the development would encroach further westwards into the open land to the west of the site that was deemed to be harmful to the setting of listed farm buildings to the southwest as well as harming the overall character and appearance of the area.
- 6.4 The delegated report goes on to recognise that the appeal proposal represents an improvement compared to the previously withdrawn application, commenting that:

*“The new scheme shifts development 5.8m towards the cul-de-sac and the changed footprint, siting, form and design of the new dwellinghouse put forward, along with the plot width, size and shape, **are more in keeping with the cul-de-sac development.** The new dwelling would also be **lower in the plot than the***

*dwellinghouse originally submitted with this new application so
that it would be no higher than the adjacent house to the east”
(our emphasis)*

- 6.5 The delegated report nevertheless goes on to comment that the changes are not deemed to be sufficient to overcome the overall harm to the character and appearance of the area, and comments that the sloping fields to the west of the site contribute positively to the character and appearance of the area and are visible through significant gaps between the three new houses erected at the end of the cul-de-sac.
- 6.6 Concerns are also raised that the development would appear to encroach into the mound to the west of the site in order to create a level plot, leading to an abrupt transition between the housing estate and open fields beyond. The delegated report goes on to cite concerns that these impacts would be notable from various public vantage points and that the development would appear detached from the existing development, and pushed into the field.
- 6.7 The character of the surrounding area is dominated by two storey dwellings which extend eastwards from the site along Cheddleton Park Avenue in a linear fashion. Other than the recently constructed dwellings to the immediate east and south / southeast of the site, the dwellings in the surrounding area are typical of 1990s design, and exhibit a variety of architectural features, including front projecting gables, wide gable ends, differing fenestration sizes and patterns, and a varied palette of materials.
- 6.8 The proposal incorporates a two storey dwelling whose scale, massing and design is very much in keeping with the design of the recently constructed dwellings adjacent, being not dissimilar to the house type constructed on the plot to its immediate east.

- 6.9 The proposed dwelling also respects the building line established by nos. 84 and 86 Cheddleton Park Avenue, and the development will not extend any further into the agricultural field to the west than the rear garden of no.79 Cheddleton Park Avenue already does. Indeed, it will be set in from it. The delegated report acknowledges this in its assessment of impact on heritage assets, stating that:

*“The Conservation Officer opposed the previous dormer bungalow scheme. However, **the dwelling would be better contained within the housing estate** than the previous scheme and **would encroach 5.8m less into the open land**. The dwelling would not be within the line of sight of the listed buildings from public highways or footpaths and **it is not considered there is significant harm to their setting**” (our emphasis)*

- 6.10 In views on approach along Cheddleton Park Avenue, the dwelling will be largely screened by development in the foreground, and where visible from the turning head, will appear in keeping with the recently constructed dwellings on either side.
- 6.11 In views from the Caldon Canal towpath and public footpath, the dwelling will be read against the backdrop of those newly constructed dwellings thereby ensuring that the development will not appear intrusive or incongruous within its surroundings.
- 6.12 The sloping fields to the west of the site will not be materially eroded by the proposed development and a large gap will continue to exist in between the proposed dwelling and surrounding dwellings so as to continue to allow views of the landscape beyond when approaching from the east along Cheddleton Park Avenue.

- 6.13 The front elevation of the proposed dwelling is set back behind the front elevation of no.86 such that on approach from the east along Cheddleton Park Avenue the perception of gaps to the countryside beyond will be unaltered (see image in Figure 1 overleaf).

Figure 1 – View towards appeal site from east on Cheddleton Park Avenue



- 6.14 We consequently do not agree with the Local Authority's assertion that the development would lead to an abrupt transition between the housing estate and the open fields beyond.
- 6.15 The biodiversity net gain plan accompanying the application furthermore demonstrates that the parcel of land immediately west of the site is to be laid out as mixed scrub planting with occasional trees, which will further help to soften any perceived impact of the development. The provision of post and rail / post and wire fencing to the western and northern site boundaries will further help to soften the transition between the site and the surrounding area.

- 6.16 Having regard to the considerations set out above, we do not consider this proposal likely to give rise to harm to the character and appearance of the area and conclude that the application is consistent with the provisions of policies H1, DC1 and DC3 of the Local Plan and guidance contained within the National Planning Policy Framework.

Residential Amenity

- 6.17 The second reason for refusal cites concerns that the proposed development would result in intrusive overlooking of the entire rear garden of no.79 Cheddleton Park Avenue from the front facing first floor bedroom windows of the proposed dwelling, to the detriment of their residential amenity.
- 6.18 No.79 Cheddleton Park Avenue is located to the south of the appeal site and is orientated with its front and rear elevations facing east / west respectively. It presents its side elevation to the appeal site and is separated from it by the vehicular access that connects with the agricultural fields beyond, and which will also serve the new dwelling on the appeal site.
- 6.19 The Local Authority's Space About Dwellings Standards stipulate the following requirements:

"Distance required between principal window and any site boundary or any solid obstruction higher than the top of the window is at least 6 metres"

- 6.20 The proposed first floor windows will lie some 9.4 metres from the site boundary with no.79. That distance exceeds the required minimum standard of 6 metres as set out within the adopted Space About Dwellings Standards. The proposed dwelling will also have a finished floor level that is set 1m below the floor level of no.79, thereby further helping to reduce any impact on neighbouring amenity.

- 6.21 The bedroom at first floor on the eastern side of the building will, in any event, face towards the gable end of no.79 and thus not cause any overlooking or loss of privacy. For these reasons we submit that the proposed development will not give rise to any unacceptable loss of privacy to the occupiers of no.79 Cheddleton Park Avenue.
- 6.22 The above notwithstanding, and without prejudice to the appellant's case, if the Planning Inspector harbours concerns that the proposed development would lead to an unacceptable loss of privacy, the appellant would be agreeable to altering the internal layout and external appearance of the dwelling to provide a principal bedroom window into the western elevation, with the front facing window reduced in size and now serving an ensuite bathroom. Such revisions will remove any prospect of overlooking from the window that is currently shown as serving the main bedroom, and thereby avoid any potential loss of privacy. A plan showing the alternative internal layout and external appearance is shown on drawing 2018-2296-64 enclosed as Appendix A to this document.
- 6.23 The acceptance of such revisions to the proposed house type would not be prejudicial to any party, and the Local Authority will have ample time to scrutinise the revised plan before issuing its comments on the appeal. Compliance with the revised plan can be secured via an appropriately worded planning condition.
- 6.24 We nevertheless maintain, for the reasons set out in paragraphs 6.19 – 6.21 above, that the proposal is consistent with the Local Authority's Space About Dwellings Standards and that no loss of privacy to the occupiers of no.79 Cheddleton Park Avenue will arise. The proposed development is consequently held to meet the requirements of policy DC1 of the Local Plan in this regard.

7 Conclusion

- 7.1 Having regard to the considerations set out within the Statement of Case, we submit that the proposed development will not give rise to harm to the character and appearance of the area, and will meet the Local Authority's adopted space about dwellings standards, and avoid any loss of privacy to the occupiers of the neighbouring dwelling.
- 7.2 The proposed development is consequently held to meet the requirements of policies H1, DC1 and DC3 of the Staffordshire Moorlands Local Plan and guidance contained within the National Planning Policy Framework.