
Appeal Decision

Site visit made on 9 June 2025

by **U P Han BSc (Hons) DipTP MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 18 June 2025

Appeal Ref: APP/B3438/W/25/3361939

Woodbine Cottage, Saltersford Lane, Alton, Staffordshire ST10 4AU

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission.
 - The appeal is made by Mr A Startin of AJS Rees Developments Ltd against the decision of Staffordshire Moorlands District Council.
 - The application Ref is SMD/2024/0478.
 - The development proposed is change of use of annexe to separate dwelling.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues in this appeal are:
 - the effect of the proposal on the character and appearance of the area;
 - the effect of the proposal on the living conditions of the occupiers of 14 and 16 Meadow View (No 14 and 16) with regard to privacy and noise and disturbance; and
 - whether the proposal would provide acceptable living conditions for future occupiers of the proposed dwelling with regard to internal living space, external outdoor amenity space, privacy, light, outlook and noise and disturbance.

Reasons

Character and appearance

3. The appeal building is used as an annexe to Woodbine Cottage and as a holiday let. It comprises a single storey detached building with two bedrooms in the loft floor and a rear outdoor amenity area. The building sits at lower ground level than Woodbine Cottage and there is retaining wall next to it. A hedge runs along the top of the retaining wall which continues to the frontage with Salterford Lane.
4. Saltersford Lane is predominantly residential and typified by a mix of brick built detached and semi-detached two storey dwellings with front gardens and drives set behind low boundary walls or hedges.
5. While the proposal does not involve any internal or external alterations to the building itself, two car parking spaces would be created within what is currently a gravelled area accessed via a gated entrance to Woodbine Cottage from

Saltersford Lane. The gravelled area is at higher ground level than Saltersford Lane and the appeal building. The submitted plans suggest that the existing boundary hedge and part of the boundary wall and retaining structure would be removed to provide the two proposed car parking spaces which would be accessed directly off Saltersford Lane.

6. The proposal would erode the strong boundary feature and remove the existing hedge which adds to the verdant character of the area. Furthermore, the proposal would create a visually awkward and unbalanced appearance to the boundary wall, diminishing the visual coherence of the street frontage. In addition, the proposed parking spaces would be directly adjacent to the road, leading to the visual prominence of car parking in the street scene. While many of the dwellings in Saltersford Lane have front paved forecourts for car parking, these are not directly adjacent to the road so are not as visually prominent as the proposed car parking spaces.
7. The appellant indicates that the proposed parking spaces could be provided to serve the existing annexe under permitted development rights. However, permitted development rights under Class F of the Town and Country Planning (General Permitted Development) (England) (Order 2015) (as amended) apply to 'the provision of a hard surface within the curtilage of a dwellinghouse for any purpose incidental to the enjoyment of the dwelling house as such.' The proposal seeks to create a separate parking area with its own access serving the annexe only and proposes to change the annexe to a separate dwelling so there is cause to have reasonable doubt that the parking spaces would be permitted development. In any event, my decision is not concerned with whether or not planning permission is required for the proposed development but is based only on the planning merits of the proposal before me.
8. For the reasons given, the proposal would harm the character and appearance of the area. As such, it would conflict with Policies SS8, H1 and DC1 of the Staffordshire Moorlands Local Plan (September 2020) (SMLP) insofar as they require development to respect the character of the surrounding area and reinforce local distinctiveness.

Living conditions – Nos 14 and 16

9. The appeal site is bound to the north and east by the rear gardens of Nos 14 and 16. The rear of the appeal building faces the rear of No 14 with a separation distance of around 13 metres between the opposing rear elevations containing windows to habitable rooms. This distance falls considerably short of the 24.4 metres separation distance set out in the Council's Space About Dwellings Supplementary Planning Guidance (December 1996) (the SPG). The proximity of the appeal dwelling to No 14 could also lead to undue levels of noise and disturbance from every day sounds such as conversations, music, movement and the use of garden equipment which would be perceptible to No 14 due to the short separation distance between the properties.
10. While the side elevation of the appeal building has no windows, it forms part of the boundary to the rear garden of No 16 and has a pitched roof which contains three rooflights. The rooflights are positioned less than 1.7 metres above the floor height of the rooms, two of which are bedrooms. The SPG advises that the distance required between the principal windows on the rear elevation of a dwelling and a

flank wall of a neighbouring dwelling where the flank wall has no principal windows or has obscurely glazed or high level windows is at least 14 metres. This distance can be reduced to no less than 11 metres where the flank wall forms part of a bungalow or other single storey structure. While the separation distance between the side wall of the appeal building and No 16 would be adequate, the rooflight windows are not obscurely glazed or set at high level. Due to their position and internal floor to ceiling height, the rooflights enable clear downward views into the garden of No 16. Such overlooking would result in a material loss of privacy to the occupiers of No 16.

11. While the appeal building has permission to be used as a holiday let associated with Woodbine Cottage, the proposed change to a permanent residential dwelling would result in an intensification and change in the character of the use. This change would introduce a greater and more sustained level of domestic activity, including daily coming and goings, long-term parking demand and deliveries and collections, which would be materially different from the intermittent use typically associated with short-term holiday accommodation. The proposal would potentially increase noise and disturbance, particularly as the appeal building is located close to existing dwellings.
12. For the reasons given, the proposal would cause harm to the living conditions of the occupiers of No 14 and 16 with regard to privacy and noise and disturbance. Consequently, the proposal conflicts with Policies H1 and DC1 of the SMLP insofar as they require development to respect the amenity of occupiers of existing dwellings in terms of privacy and noise.
13. The Council has referred to Policy SS8 of the SMLP in its second reason for refusal. However, Policy SS8 relates to the larger villages area strategy so is not determinative on this main issue.

Living conditions – future occupiers of the proposed dwelling

14. Due to the position and size of the existing rooflights in the two bedrooms of the appeal building would, adequate light and outlook is provided. The rooflights are openable so would therefore provide sufficient ventilation. However, the bedrooms do not meet the minimum floor to ceiling height set out in the Nationally Described Space Standards (NDSS), as required by Policy H1 of the SMLP. A substantial portion of the space in both the bedrooms fall below the required minimum floor to ceiling height, resulting in constrained spaces. Furthermore, the NDSS sets out that any area with headroom of less than 1.5 metres is not counted within the gross internal area unless used solely for storage. The appellant's calculated floor area of the bedrooms does not take into account restricted headroom. Taking this into consideration, the bedrooms may not meet the relevant minimum floor area requirement given that a large portion of the area in the bedrooms appear to have headroom of less than 1.5 metres.
15. I am advised by the Council that the distance between the patio windows of the appeal building and the boundary fence shared with No 14 is only around 5 metres. This falls short of the SPG guideline of 6.1 metres as a minimum mean length for patio dwellings. This results in a space that is poorly proportioned and feels uncomfortably close to No 14 due to its limited length. Proximity to public open outdoor recreation opportunities would not fully mitigate deficiency of private outdoor amenity space due to the different purposes they serve. Furthermore, the

outlook from the patio windows is constrained by the close proximity of the boundary fence, creating a hemmed-in effect.

16. While it is not unusual for the private amenity areas of neighbouring dwellings to be close to together, as outlined in paragraph 9 above, the distance between the rear elevation of the appeal building and the rear elevation of No 14 falls significantly short of the minimum distance set out in the SPG. This would lead to overlooking of the garden and habitable room of the appeal dwelling, resulting in inadequate levels of privacy for future occupiers. Furthermore, the proximity of the rear facing elevation of the appeal building to No 14 would intensify the potential for noise and disturbance from domestic activities such as conversations, the playing of music and the use of domestic appliances.
17. For the reasons given, the proposal would not provide acceptable living conditions for future occupiers of the proposed dwelling with regard to internal living space, external outdoor amenity space, privacy, light, outlook and noise and disturbance. Accordingly, the proposal conflicts with Policies H1 and DC1 of the SMLP insofar as they require all new dwellings to provide adequate internal space in accordance with the NDSS and satisfactory levels of amenity for future occupiers of the dwellings including in terms of size, light, outlook, privacy and noise.
18. The Council has referred to Policy SS8 of the SMLP in its second reason for refusal. However, Policy SS8 relates to the larger villages area strategy so is not determinative on this main issue.

Planning Balance and Conclusion

19. The Council is unable to demonstrate a five-year supply of deliverable housing sites with only 2.95 years supply. In these circumstances, paragraph 11 d) of the Framework is engaged and permission should be granted unless any adverse impacts would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole.
20. I have found that the proposal would cause harm to the character and appearance of the area. It would also harm the living conditions of the occupiers of Nos 14 and 16 with regard to privacy and noise and disturbance. Furthermore, it would not provide acceptable living conditions for future occupiers of the proposed dwelling with regard to internal living space, external outdoor amenity space, privacy, light, outlook and noise and disturbance. Accordingly, the proposal conflicts with the development plan when considered as a whole. The identified policies from the SMLP are, in the circumstances of this case, broadly consistent with the Framework in seeking to ensure development is sympathetic to local character and provides a high standard of amenity for existing and future users. I therefore attach significant weight to the conflict with these policies and to the totality of the associated harms.
21. The proposal would deliver one additional house, contributing to the overall housing supply, which is in shortage in the area. It would align with Framework's objective of significantly boosting the supply of homes. The site is within a defined settlement boundary with access to local services. However, given the small scale of the development, the benefits would be modest and carry moderate weight in the planning balance.

22. Taking all matters into account, the adverse impacts of the proposal would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole. As a result, the presumption in favour of sustainable development does not apply.
23. The proposal conflicts with the development plan and the material considerations, including the Framework, do not indicate that the appeal should be decided other than in accordance with the development plan. For the reasons given above, the appeal is dismissed.

U P Han

INSPECTOR