



Appeal Decision

Site visit made on 17 February 2026

by **Sarah Manchester BSc MSc PhD MEnvSc**

an Inspector appointed by the Secretary of State

Decision date: 20 March 2026

Appeal Ref: 6002574

51a Park Lane, Knypersley, Biddulph ST8 7AS

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission under section 73 of the Town and Country Planning Act 1990 (as amended) for the development of land without complying with conditions subject to which a previous planning permission was granted.
- The appeal is made by David Ward against the decision of Staffordshire Moorlands District Council.
- The application Ref is SMD/2025/0204.
- The application sought planning permission for the creation of a new dwelling within the current residential curtilage of number 51a Park Lane without complying with condition 2 attached to planning permission Ref SMD/2023/0379, dated 15 October 2024.
- The condition in dispute is No 2 which states that: *The development hereby permitted shall be carried out in accordance with drawing Nos – 230206 PR 001 Revision B; 230206 PR 002 Revision A; 230206 PR 003 Revision A, 230206 PR 004 Revision A; and 230206 PR 005.*
- The reason given for the condition is: *“it is necessary to impose a condition requiring the development to be carried out in accordance with the submitted plans in the interests of certainty”.*

Decision

1. The appeal is dismissed.

Applications for costs

2. An application for costs was made by David Ward against Staffordshire Moorlands District Council. That application is the subject of a separate Decision.

Preliminary Matters

3. The original planning permission was granted on appeal¹ in October 2024, subject to planning conditions including No 2 which specifies the approved plans. That permission has been implemented, but the approved single storey dwelling has not yet been constructed. The application subject of this appeal sought to remove condition No 2 of the permission and replace it with a condition specifying amended plans that illustrate a larger dwelling with living accommodation at loft level.
4. The proposal went through several design iterations and the Council accepted amended plans during the processing of the planning application. The revised plans that were refused are listed in the Council's decision notice. However, that refused scheme is not the appellant's preferred option and he has submitted amended plans with the appeal that illustrate two alternative schemes. The first of these is described as a neighbour-friendly refinement of the original submission including, among other things, a reduction in ridge height of around 0.47m. The second would be a part single and part two-storey dwelling (the hybrid scheme).
5. The Procedural Guide: Planning appeals – England advises that the appeal process should not be used to evolve a scheme and it is important that what is

¹ ref APP/B3438/W/24/3344763

considered by the Inspector at appeal is essentially the same scheme that was considered by the LPA and by interested parties at the application stage.

6. Notwithstanding similarities to the initial planning application submission, the appellant acknowledges that his first preferred scheme is materially different from the refused scheme. The submitted plans illustrate that this would also be true of his second choice. The amended schemes were not considered by the Council and they are not the scheme upon which the views of interested persons were sought. I cannot be certain that interested parties would not be prejudiced if I accepted them. Consequently, I have determined the appeal on the basis of the plans considered by the Council.
7. The appellant also requests that details reserved by planning conditions imposed on the original permission should be approved as part of this appeal. In this regard, he submits drawing no 230206(PR)001 revision H (site plan as proposed) which includes details of materials, boundary treatments and landscaping. This is dated 07 November 2025, which is after the application was refused and it appears to illustrate the amended plans submitted with the appeal and not the approved scheme or the proposal. This drawing was not considered by the Council or interested parties. I cannot be certain that it is sufficient or adequate for the purposes of discharging conditions on the original permission.
8. In any case, this appeal relates to the Council's refusal to grant permission for the development without complying with condition No 2 of the original permission, on grounds relating to harm to residential amenity. The planning application refers only to condition No 2 of the original permission and the reason given for the proposed variation of the condition is the addition of two bedrooms in the loft and an increase in the footprint of the approved dwelling. The application subject of this appeal did not seek to discharge conditions and I have determined the appeal accordingly.

Main Issues

9. The main issue is the effect of the proposal on the living conditions of the residential occupiers of 51 Park Lane, with particular regard to overbearing and an unneighbourly form of development.

Reasons

10. The appeal site was formerly part of the rear garden of No 51a and it is accessed via a narrow private driveway between the side boundaries of No 51 and No 51a. The approved dwelling would be a modest 2 bedroom bungalow with a maximum ridge height of around 4m and side gable elevations. It would be sited to the rear of No 51 with its side elevation roughly 2m from the shared boundary.
11. The proposal would occupy the same footprint as the approved dwelling but it would be taller and with simple roof slopes. The building would be rotated through 90 degrees such that it would present a pitched roof slope rather than a gable end to the rear of No 51. The plans suggest its side elevation would be around 2m tall and it would be a similar height to the neighbouring 2-storey dwelling.
12. There are windows at ground and first floor in the rear of No 51. While I understand that one first floor window is likely to serve a bathroom, other windows will serve habitable rooms. Taking into account the narrow rear garden of No 51, the proposal would be around 5m from the neighbours' habitable room windows.

13. At the time of my visit, I observed that the shared boundary comprises a somewhat low fence with a tall hedge on the appeal site side. The plans indicate that the intervening hedge would be maintained at around 2m which appears to be above the height of the neighbours' ground floor windows. I am mindful that vegetation is temporary and cannot be relied upon to hide unacceptable development from view. Nevertheless, at its proposed height and in such close proximity to the rear of the neighbours' property, the hedge would screen the side elevation of the proposal from the ground floor windows and outdoor amenity space to the rear of No 51. However, while the side elevation might be screened, by virtue of its height and scale, the extensive sloping roof would be conspicuous and visually obtrusive above the hedge in close views from the ground floor and external amenity space.
14. The eaves of the roof would be below the level of the first floor windows in No 51 and less than 5m away. While the ridge would be further away, it would be roughly the same height as the 2-storey ridge of No 51. Consequently, and as illustrated by the plans, the neighbours' first floor windows would have close views onto a very large expanse of roof. The proposal would result in a significantly poor outlook from the closest first floor habitable room window in No 51 and it would diminish the outlook from the remaining first floor windows.
15. I accept that the slope of the roof would be unlikely to result in an unacceptable loss of daylight to the neighbours' habitable room windows. However, by virtue of its proximity, height, scale and extent of roof, the proposal would be a dominant feature and significantly overbearing to the neighbouring residential occupiers. Taking into account the cumulative adverse effects on ground and first floor habitable room windows and outdoor amenity space of No 51, the proposal would be detrimental to neighbouring residential amenity.
16. Therefore, I conclude that the proposal would harm the living conditions of the neighbouring residential occupiers of No 51, with particular regard to an overbearing and unneighbourly form of development. Accordingly, it would conflict the residential amenity aims of Policy DC1 of the Staffordshire Moorlands Local Plan Adopted September 2020.

Other Matters

17. The scheme was revised several times during the processing of the application in an attempt to overcome the Council's concerns. On the day the application was determined, the appellant sought to introduce another revised scheme for consideration and he requested a further extension of time for this purpose. However, that email appears to have been sent only to the case officer and not to the Council's planning team mailbox, such that the Council was unaware of it until after the application had been determined. I understand that the appellant is frustrated that no further extension of time could be agreed and he considers that the hybrid scheme would overcome the Council's concerns. However, his willingness to continue to work with the Council to achieve an acceptable form of development does not weigh in favour of the appeal.
18. The neighbours did not object to the proposal but neither do they appear to explicitly support it. Irrespective, I am required to consider the impact of the development over its lifetime and the absence of objection from the current neighbouring occupiers does not weigh in its favour.

Conclusion

19. For the reasons set out above, I conclude that the proposal would conflict with the development plan and there are no material considerations that would outweigh that conflict.
20. Therefore, I conclude that the appeal should be dismissed.

Sarah Manchester

INSPECTOR