

Appeal Decisions

Site visit made on 31 October 2016

by Rachel Walmsley BSc MSc MRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 21 November 2016

Appeal Ref: APP/C3430/W/16/3148245

10 Littlewood Road, Cheslyn Hay, Staffordshire WS6 7EU

- 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 & Mrs Jason Ward against the decision of South Staffordshire Council.
 - The application Ref 15/01028/FUL, dated 24 November 2015, was refused by notice dated 21 March 2016.
 - The development proposed is a new dwelling.
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Decision

1. The appeal is dismissed.

Procedural matter

2. There are two appeals relating to this appeal site. The other appeal, Ref APP/C3430/W/16/3155277 is the subject of a separate decision.

Main Issues

3. These are:
 - (i) the effect of the proposal on the character and appearance of the area; and,
 - (ii) the effect of the proposal on the living conditions of the occupiers of the neighbouring properties, with particular regard to daylight and outlook.

Reasons

Character and appearance

4. The appeal site adjoins No 10 Littlewood Road, a detached dwelling that fronts the street. The appeal site is a cleared area of land that has been separated from No 10 by a close boarded fence.
 5. The appeal site is within a residential area and is on the side of the street that includes frontage properties. Properties differ in scale and form to include two storey detached houses and a bungalow. The roof line of the buildings steps down to reflect the change in levels; the existing bungalow is an anomaly by being much lower in height than the buildings either side of it. The spacing of buildings also varies with some houses closer to each other than others.
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Furthermore, a difference in the height of buildings or the presence of a garage to the side of a house helps create a visual separation between properties. The overall character of the street, therefore, is varied with each house clearly separate from and distinguishable from the next.

6. Policy EQ11 of the Core Strategy¹ seeks development that takes into account local character and distinctiveness and contributes positively to the street scene. The dwelling, by being two stories in height would occupy much of the width of the site and would be within close proximity to the houses either side of the site, and in particular to No 10. This would not reflect the more generous spacing between dwellings, particularly at first floor level, seen elsewhere within the street and therefore would appear cramped in appearance and out of character with its surroundings.
7. I recognise that there are dwellings within the street that are close to each other, not least the existing bungalow that is close to its neighbour to the south. However, where properties are close to one another, a difference in building heights or the presence of a single storey garage or side extension creates a visual break and a notable separation between houses. This would not be the case for the proposed development which, at ground and first floor level, would have limited separation from the houses either side.
8. I recognise that the Council raised no objection to other aspects of the proposal, including design and materials, and this is welcomed. However, these benefits are not sufficient to overcome the harm that I have found to the character and appearance of the area as a result of the position of the dwelling in relation to the neighbouring properties. As a result I find that the development would be harmful to the character and appearance of the area and therefore contrary to policy EQ11 of the Core Strategy.

Living conditions

9. Policy EQ9 of the Core Strategy states that development proposals should take into account the amenity of nearby residents. Whilst the Council objects on the grounds of daylight and outlook, there is nothing within the evidence before me to explain these concerns.
10. Within the elevation of No 10 that faces the appeal site there are two windows at first floor level. Given the size and position of the smallest window, it is reasonable to conclude that this relates to an internal staircase or landing with, therefore, no implications for the development affecting outlook from a habitable room. The second window is larger in size and without any evidence to confirm otherwise, relates in all probability to a habitable room and most likely a bedroom given its location at first floor. Given the proximity of the new dwelling to this window, the outlook from the habitable room would be compromised; similarly levels of daylight into the internal living space would be reduced. However, a bedroom is not the principal room in a house which would be occupied for long periods of time during waking hours. The harm to the living conditions of the occupiers of No 10 therefore would be limited.
11. To the south of the site is No 8 Littlewood Road, a two storey property that is on ground higher than the appeal site. The property has windows at ground and first floor level that face towards the rear garden of the property, and has

¹ A Local Plan for South Staffordshire, Core Strategy Development Plan Document (Adopted 11 December 2012)

a single storey rear conservatory. The new dwelling would be a sufficient distance from, and on ground lower than No 8 to not have a discernible effect on the outlook from the living spaces at No 8. Furthermore, any views of the development from No 8 would be at an oblique angle, reducing any potential harm by way of outlook. In a similar way, the oblique angle of the development to the windows at No 8 and the distance between the two properties means that the development would not affect the levels of daylight into the internal living spaces of No 8.

12. In all, therefore, I have found that the development would not have a discernible effect on the living conditions of the occupiers of the neighbouring properties, with particular regard to daylight and outlook, for the development to be considered contrary to policy EQ9 of the Core Strategy.

Conclusion

13. Whilst I have found that the proposed development would not be harmful to the living conditions of the occupiers of the neighbouring properties, I have found that the development would be harmful to the character and appearance of the area. As a result the proposal would be contrary to policy EQ11 of the Core Strategy. This conflict with the development plan is not outweighed by any other considerations. For these reasons the appeal is dismissed.

R Walmsley

INSPECTOR