

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/16/3155277
10 Littlewood Road, Cheslyn Hay 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 Jason Ward against the decision of South Staffordshire Council.
 - The application Ref 16/00305/FUL, dated 8 April 2016, was refused by notice dated 22 July 2016.
 - The development proposed is a detached bungalow.
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Decision

1. The appeal is allowed and planning permission is granted for a proposed detached bungalow at 10 Littlewood Road, Cheslyn Hay WS6 7EU in accordance with the terms of the application, Ref 16/00305/FUL, dated 8 April 2016, subject to the conditions set out in the attached schedule.

Application for costs

2. An application for costs was made by Mr Jason Ward against South Staffordshire Council. This application is the subject of a separate Decision.

Procedural matters

3. There are two appeals relating to this appeal site. The other appeal, Ref APP/C3430/W/16/3148245 is the subject of a separate decision.
4. Drawing 024-2016 dated 5 April 2016 was the drawing that the Council based its decision on and I have considered the appeal on the same basis.

Main Issues

5. These are:
 - (i) the effect of the proposal on the character and appearance of the area; and,
 - (ii) whether the proposal would achieve a high quality of design with particular regard to space between dwellings and the inclusion of side windows.
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Reasons

Character and appearance

6. 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.
7. 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. 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.
8. Policy EQ11 of the Core Strategy¹ seeks development that takes into account local character and distinctiveness and contributes positively to the street scene. The proposed bungalow would occupy much of the width of the site and therefore would be within close proximity of the houses either side of the site, and in particular to No 10. On plan, this suggests a cramped form of development. However, the elevations show that the development, being single storey in height, would create a visual break at first floor level between buildings either side of the site which would create a degree of separation between houses. This would complement the spacing of existing dwellings in the street which are clearly separate from and distinguishable from the next and therefore the development would be appropriate to the character and appearance of the area.
9. In all, therefore, I find that the development would not be harmful to the character and appearance of the area and therefore the proposal would comply with policy EQ11 of the Core Strategy.

Design

10. CP4 of the Core Strategy, together with policy EQ11 seek development that achieves a high quality of design. In refusing the proposed development, the Council raised concern for the distance between dwellings and the inclusion of side windows close to the side boundaries.
11. Paragraph 1.11 of Appendix 6 of the Core Strategy 'Space About Dwellings' recommends a minimum distance of one metre between the sides of properties to allow access to rear gardens and for refuse collection. Paragraph 1.6 of the Core Strategy notes that notwithstanding the minimum standards, space provision should be related to the size of the dwelling.
12. The drawing before me shows a distance of one metre between the side of the proposed dwelling and the shared boundary with No 10. This would allow sufficient space for future occupiers to move easily between the front and rear of the property and manoeuvre refuse bins accordingly. I have taken into consideration the size of the bungalow and find no compelling reason for the

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

space to the side of the proposed house to be any larger. On this basis, I find that the proposal would not be contrary to Appendix 6 of the Core Strategy.

13. The Council raised concern that the proposed side windows would be the only windows to habitable rooms. It is not clear from the evidence before me, however, what the Council considered to be the harm as a result of this. The side windows in the new dwelling would be at ground floor level and to bedrooms and a bathroom. The outlook from the bedroom windows would be onto the shared boundaries of the site and therefore onto blank elevations. Given the limited distance between the windows and the shared boundaries, the bedrooms would have a poor outlook and would receive limited levels of sunlight. Neither a poor outlook nor limited levels of sunlight make for good quality living spaces. However, the bedrooms are not the principal rooms in the house which would be occupied for long periods of time during waking hours. The harm to the living conditions of future occupiers, therefore, would be limited. Furthermore, in the absence of any evidence to demonstrate that levels of daylight into the bedrooms would be so limited as to create unacceptable living conditions, I find that the proposal would not be unduly harmful and therefore would be compliant with Appendix 6 'Space About Dwellings' and policies CP4 and EQ11 of the Core Strategy with particular regard to space between dwellings and the inclusion of side windows.

Other matters

14. I have before me a signed and dated unilateral undertaking. I have considered this undertaking against the three tests set out in paragraph 204 of the National Planning Policy Framework (the Framework). I have no evidence before me to demonstrate that a unilateral undertaking is necessary; the Council do not make any reference to the need for a financial contribution or to the potential harm as a result of the development without it. I find no reason, therefore, to consider the unilateral undertaking necessary and consequently I have not given it any weight in my consideration of this appeal.

Conditions

15. The Council has suggested a number of planning conditions which I have considered against the advice in the Planning Practice Guidance. As a result I have amended some of them for clarity and eliminated others where conditions have been found to not meet the tests in paragraph 206 of the Framework or to avoid duplication.
16. In addition to the standard time limitation for commencement, I have imposed a condition specifying the relevant drawing as this provides certainty.
17. I have included a condition requiring the approval of samples of materials, hard and soft landscape works to include boundary treatments, refuse and recycling facilities and ground and floor levels in the interests of the character and appearance of the area.
18. I have included a condition with regards to surface water and foul drainage to ensure that an adequate system for the drainage of the site is provided.
19. In the interests of pedestrian and highway safety I have imposed a condition to ensure that the site access and parking spaces are constructed prior to the occupation of the development and retained thereafter. I find no justifiable

reason for the suggested condition of keeping the access ungated and therefore I do not consider that a condition to this effect is necessary.

Conclusion

20. For the reasons given above, the proposal would not be contrary to the development plan and therefore the appeal is allowed.

R Walmsley

INSPECTOR

SCHEDULE OF CONDITIONS

1. The development hereby permitted shall begin not later than 3 years from the date of this decision
2. The development hereby permitted shall be carried out in accordance with the approved plan; drawing No: 024-2016 dated 5 April 2016.
3. No development shall commence until samples of the materials to be used in the construction of the external surfaces of the development hereby permitted have been submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved samples.
4. No development shall take place until details of both hard and soft landscape works have been submitted to and approved in writing by the local planning authority. These details shall include planting schedules noting species, plant sizes and proposed numbers/densities and layout, and boundary treatment details. The hard landscape works shall be carried in accordance with the approved details before any part of the development is first occupied and retained thereafter.
5. All planting, seeding or turfing comprised in the approved details of landscaping referred to under condition 4 shall be carried out in the first planting and seeding seasons following the occupation of the buildings or the completion of the development, whichever is the sooner; and any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.
6. Prior to the occupation of the development, refuse and recycling facilities shall be provided in accordance with details that have first been submitted to and approved in writing by the local planning authority, and retained thereafter.
7. No development shall take place until plans showing the existing and proposed ground and floor levels of the proposed and adjacent buildings have been submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details.
8. The development shall not be occupied until surface water and foul drainage works have been completed in accordance with details that have first been submitted to and approved in writing by the local planning authority.
9. The development shall not be occupied until the vehicular access and associated public highway works, together with the parking spaces have been provided, and shall be retained thereafter.