
Appeal Decision

Site visit made on 21 November 2016

by Gareth Wildgoose BSc (Hons) MSc MRTPI

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

Decision date: 8th December 2016

Appeal Ref: APP/Y3425/D/16/3157818

Bankside, Barton Lane, Bradley, Staffs ST18 9EF

- 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 Mark Phillips against the decision of Stafford Borough Council.
 - The application Ref 16/23552/HOU, dated 8 January 2016, was refused by notice dated 13 June 2016.
 - The development proposed is single storey front and rear extension along with internal alterations and minor alterations to elevations.
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Decision

1. The appeal is dismissed.

Application for costs

2. An application for costs was made by Mr & Mrs Mark Phillips against Stafford Borough Council. This application is the subject of a separate Decision.

Preliminary Matters

3. It has been brought to my attention that following the submission of this appeal, the Council have granted planning permission (ref 16/24650/HOU) for an alternative single storey front extension and a single storey rear extension. The submitted plans relating to the planning permission are before me. When compared to the appeal proposal, the main differences relate to the height and design of the front extension and a restriction within the planning permission granted that the flat roof of the single storey rear extension cannot be used as an external seating area. The scale and proportions of the single storey rear extension are similar, although there are differences in terms of the position of a balustrade and window openings on the main rear elevation of the property.
4. The main parties have also drawn my attention to the additional planning history of the property. However, I have necessarily determined this appeal based on the merits of the proposal and evidence before me.

Main Issue

5. The main issue is the effect on the living conditions of occupiers of neighbouring properties, with particular regard to Barton House in terms of privacy and outlook.
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Reasons

Background

6. The appeal property consists of a detached dwelling located within Bradley Conservation Area and within the setting of Olde Cottage, a listed building. The site lies outside of the Sustainable Settlement Hierarchy identified by Policy SP3 of the Plan for Stafford Borough 2011-2031 (PSB), adopted June 2014, and is classified as 'neutral' in character in the Bradley Conservation Area Appraisal, published 2012.
7. It is common ground between the main parties that given the varied type and character of dwellings in the surrounding area, the design and appearance of the extensions would be proportionate having regard to Policy C5 of the PSB. Consequently, the development would preserve the character and appearance of the property, Bradley Conservation Area and the setting of the nearby listed building. Based on the evidence before me, I have no reason to take a different view taking into account the fallback position of the extant planning permission. The difference in height and design of the single storey front extension as proposed, including a balustrade, would not have a significant effect on the character and appearance of the property or its surroundings, nor would the external alterations to the property. Furthermore, the differences relating to the single storey rear extension would not be visible from public viewpoints.

Living conditions

8. The Council's reason for refusal related to the effect on the occupiers of the neighbouring property of Barton House in terms of an unacceptable level of overlooking and loss of privacy resulting from the open seating area, together with an overshadowing effect of the rear extension resulting from its massing.
9. Barton House has an L-shaped arrangement with the main two storey dwelling located in a set back position relative to the rear elevation of Bankside. The property also has an additional single storey front element located towards the boundary with School Farm to the west, together with an attached garage and car port which creates a front courtyard area. The front section of the dwelling is served by eastern facing side windows which face towards the boundary with Bankside.
10. In terms of the existing relationship between the properties, Bankside has a raised and varied land levels which slope upward to the east relative to Barton House and influence the internal floor levels of the appeal property. The existing side element of Bankside that is closest to the common boundary has an attached and elevated rear decking area that provides access to living accommodation at first floor level. The decking area is adjacent to an existing orangery which has windows that face towards Barton House. There are existing windows within the rear elevation of Bankside that are closer to the common boundary with Barton House that are obscure glazed.
11. During my visit, I observed that the existing decking area offers direct views above the boundary wall and therefore, overlooks the front courtyard of Barton House and the facing windows of the single storey front section of the dwelling with a consequent loss of privacy. Intervening views of windows in the main front elevation of Barton House are less intrusive due to the more oblique

relationship, resulting from the existing decking area being set in from the closest part of Bankside to the boundary. Furthermore, views from the existing decking area toward the rear garden of Barton House are screened by substantial landscaping further to the north along the common boundary between the rear gardens.

12. The proposal to extend the decking area above a single storey rear extension would result in a closer relationship to the front courtyard area of Barton House, the side windows in the single storey front element and the windows in the front elevation of the dwelling than existing. This closer relationship would significantly worsen the extent of overlooking that I already consider is intrusive. It would also encourage users of the seating area to remain for longer periods than on the existing decking area which is primarily used for access. Consequently, the proposal would result in an increased perception of overlooking and a loss of privacy that would be harmful to the living conditions of occupiers of Barton House.
13. I have taken into account the fallback position of the single storey front and single storey rear extensions granted planning permission which have similar proportions to the proposal before me. I attribute significant weight to this fallback position. The appellant has also drawn my attention to a further fallback position of a rear extension of similar scale and proportions being capable of being developed without the need for planning permission. However, I can offer only little weight in this respect, given that a rear extension developed under permitted development rights¹ could not include the additional railings above the extension.
14. In comparison to the planning permission granted, the development subject to this appeal would not result in an increased overshadowing or overbearing effect on Barton House as the minor variation in the position of railings above the rear extension would have no detrimental impact. The extensions would not, therefore, be harmful in this respect given the screening afforded by the boundary wall and the subservient scale and massing relative to the existing dwelling. However the absence of concern relating to this matter does not justify the harm in terms of increased overlooking and loss of privacy otherwise identified.
15. In reaching the above findings, I consider that the harm identified could not be overcome by a condition to secure additional landscaping. I observed only limited space available for planting between the location of the proposed rear extension, the existing side access to the property and the common boundary. Based on the evidence before me, I am not, therefore, satisfied that adequate landscaping screening could be provided in a similar manner to that which exists between the rear gardens. In any case, the required height of any landscape mitigation could have an overbearing and overshadowing effect on habitable windows of Barton House due to the difference in respective land levels.
16. The front extension would not replicate the harm to Barton House in terms of overlooking in the absence of windows in the facing elevation. Furthermore, the siting of the extensions and separation distance to other neighbouring properties is sufficient to prevent any harm in terms of privacy or outlook. However, the absence of concern in these respects is a neutral factor.

¹ Town and Country Planning (General Permitted Development) Order 2015, Schedule 2, Part 1, Class A

17. I conclude that the development would have a harmful effect on the living conditions of occupiers of Barton House, specifically relating to matters of privacy. The proposal would, therefore, conflict with Policy N1 of the PSB in so far as it requires, amongst other things, the design and layout of development to take account of the amenity of adjacent residential areas. The policy is consistent with the Framework which seeks a good standard of amenity for all existing and future occupants of land and buildings.

Conclusion

18. For the reasons set out above and having taken all other matters into account, I conclude that the appeal should be dismissed.

Gareth Wildgoose

INSPECTOR