
Appeal Decision

Site visit made on 20 December 2016

by Paul Singleton BSc (Hons) MA MRTPI

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

Decision date: 23 January 2017

Appeal Ref: APP/C3430/W/16/3158489

2B Dirty Lane, Brewood, Stafford, Staffordshire ST19 9BU

- 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 Roger Latham against the decision of South Staffordshire Council.
 - The application Ref 16/00037/FUL, dated 8 January 2016, was refused by notice dated 29 March 2016.
 - The development proposed is a dwelling.
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Decision

1. The appeal is dismissed.

Main Issue

2. The main issue is the effect of the proposed development on the character and appearance of Dirty Lane and the Brewood Conservation Area.

Reasons

3. The survival of burgage plots within Brewood is referred to in a number of places in Appendix 1 (Conservation Area Appraisal) to the Brewood Conservation Area Management Plan 2010. Although acknowledged to be largely hidden from view, the survival of these plots is identified as a 'key positive' of the commercial centre of the conservation area (paragraph 7.2.1). These surviving plots are of local interest in relation to the historical development of Brewood and I consider that their continued presence makes a positive contribution to the character and appearance of the conservation area notwithstanding that they are not readily visible from public vantage points.
 4. The area between Dean Street and Dirty Lane includes a large number of such burgage plots with the houses on Dean Street filling the narrow frontage of each plot and each having a secondary access from Dirty Lane to its extended garden. These plots are hidden from view from Dean Street by the almost continuous built frontage but some appreciation of their considerable length can be gained when using the footpath between that street and Dirty Lane. From Dirty Lane itself, glimpsed views of the rear of some of the houses and of the long and narrow gardens are available through the boundary vegetation. Views into other gardens are blocked by the various garages, other outbuildings, walls and gates that have been erected on many of the rear boundaries.
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5. The appeal site and the immediately adjoining plot fronting Dean Street (number 2A Dean Street) together comprise the westernmost of the burgage plots before the large open area of the school car park. This is the only such plot where a clear view is available from Dirty Lane through to Dean Street but that is due to the current absence of any buildings on the site. That position would change if the development already approved by the Council was to be carried out.
6. The building proposed in the appeal scheme would occupy most of the width of the plot, leaving only a narrow path to allow the occupiers of the proposed dwelling at No 2A to access the parking spaces which would be provided on the Dirty Lane frontage. Due to its width and two-storey height the appeal building would screen any possible views from Dirty Lane through to the garden of the dwelling proposed on Plot 2A. That severance of a visual connection with the rest of the original burgage plot would, however, be no greater in the appeal scheme than if the building approved under planning permission Ref 15/00062/FUL) was to be built. Indeed, given that the appeal building would be sited further from the Dirty Lane boundary than that previously approved on the site, it would have a slightly reduced effect in terms of closing off that view.
7. Although many of the existing garages and other outbuildings on the north side of Dirty Lane block views into the gardens the nature of these buildings and their use are such that these are readily perceived as defining the rear boundaries of the Dean Street houses. The appeal proposal would be of a more substantial scale than most of these existing buildings and the walled garden and raised terrace proposed would mark it out as a separate dwelling rather than an ancillary building to one of the houses on Dean Street. The close proximity of such a large building to the site frontage, together the formalisation of a site access with 4 parking spaces, would also give the site an appearance that contrasts markedly with that of the other plot boundaries on Dirty Lane.
8. The building approved under the 2015 permission is of the same size and design as the appeal building and I accept that it would be equally capable of use as a dwelling for the same number of occupants. However, that permission is conditioned such that the approved dwelling could only be used for purposes ancillary to the residential use of the main house approved on Plot 2A. That distinction is significant.
9. A relative or relatives who might occupy the property under the terms of that planning restriction would, no doubt, have a degree of independence from the rest of the family but would be likely to spend a significant part of their time engaged in family activities within the main house. They would have access to Dean Street via the main house and many of their comings and goings are likely to be in the company of other family members. It is also seems likely that, as ancillary accommodation, occupation of the dwelling might be limited to one or two people.
10. In contrast, the occupation of the appeal building as a wholly separate dwelling would be likely to result in a greater intensity of use, potentially with a larger number of people in occupation, and with all of their comings and goings via the proposed new access onto Dirty Lane. The creation of two

parking areas to serve the 2 separate houses would also result in a greater intensity of use of the proposed new access and of Dirty Lane itself.

11. At present the lane reads as a rear access road to the Dean Street houses. In this role it defines the edge of the built up area and has a semi-rural character due to the continuous boundary hedge along most of its northern boundary and the open pasture beyond. The changes resulting from the proposal would cause significant harm to the existing character and appearance of Dirty Lane.
12. The proposal would also result in the appeal site becoming a separate planning unit from Plot 2A and in some form of physical demarcation between the two plots. That subdivision could be carried out in any number of ways to minimise its visual impact. However, the use of the appeal building as a free standing dwelling would serve to formalise the creation of a separate residential use on the north side of Dirty Lane frontage where no such use currently exists. In my judgement that significant change would result in the permanent severance of the original burgage plot and the loss of that historic asset. As the survival of such plots has been identified as a key positive feature of this central part of the conservation area the proposal would fail to preserve or enhance the character and appearance of the conservation area.
13. Regard must be had to the duty under section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990, that special attention shall be paid to the desirability of the preserving or enhancing the character or appearance of that area. The harm to the significance of the conservation area would be less than substantial and, in accordance with paragraph 134 of the National Planning Policy Framework (Framework), that harm should be weighed against the public benefits of the proposal. However, other than the limited social benefit to be derived by the addition of one dwelling, I have seen no evidence of any public benefits that would be secured by the proposal.
14. I therefore conclude that the appeal proposal would conflict with paragraph 134 and the other policies set out in section 12 of the Framework which require that great weight should be given to the conservation of designated heritage assets. It would also conflict with Policy EQ3 of the South Staffordshire Core Strategy (2012) which seeks to achieve the conservation and enhancement of the historic environment.

Other Matters

15. All of the Dean Street properties to the south of the appeal site have plots of the same general length and I understand that all of these enjoy rights of access from Dirty Lane. In the event that the principle of a separate residential use of part of the existing plots was to be established owners of other properties within the street may seek to bring forward proposals for the separate development of part of their plots. Many of the plots are wider than the appeal site and this option could be particularly attractive to those owners with larger gardens. If such proposals were to be brought forward, even in relation to a few of the properties, the resultant cumulative harm to the character and appearance of Dirty Lane and of the conservation area would be substantial.

16. I agree with the Civic Society's concerns that a grant of planning permission for the appeal proposal would create a precedent that could make it more difficult for the Council to resist similar proposals in the future. This consideration supports my conclusion that planning permission should not be granted for the proposed development.

Conclusion

17. For the reasons set out above, and having regard to all matters raised, I conclude that the appeal should fail.

Paul Singleton

INSPECTOR