
Appeal Decision

Site visit made on 15 February 2017

by Keith Manning BSc (Hons) BTP MRTPI

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

Decision date: 22 February 2017

Appeal Ref: APP/Y3425/W/16/3163622

1 Keats Avenue, Highfields, Stafford ST17 9SP

- 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 Graham Williams against the decision of Stafford Borough Council.
 - The application Ref 16/24778/FUL, dated 30 August 2016, was refused by notice dated 25 October 2016.
 - The development proposed is erection of 2-bed dwelling house with associated landscaping, hard-surfacing and other ancillary works.
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Decision

1. The appeal is dismissed.

Main Issue

2. The main issues are the effect of the proposed development on the character and appearance of the area, with particular reference to the street scene, and its effect on highway safety with particular reference to parking provision.

Reasons

3. Keats Avenue is part of an extensive estate of primarily semi-detached and terraced houses with gardens, laid out with the clear intention that houses should be complemented by greenspace, both public and private, so as to be pleasantly spacious and suburban in character whilst of moderate density nonetheless.
4. The appeal site is one of a number of corners where development of houses has been set in to commence in the road at a point broadly coincident with the principal building line of the road with which a junction is formed, in this case Tennyson Road, which to the south east is characterised primarily by terraced property set back from the highway, a main thoroughfare in the estate. Keats Avenue is at right angles and is also terraced in the main although the appeal site forms the side garden of a semi-detached pair. The layout has a certain formality which does begin to break down a little as the land rises and the road curves to the northwest and blocks of apartments set in greenspace become a feature of the street scene. Semi-detached houses fronting Tennyson Road have been constructed on the far side of Keats Avenue opposite the appeal site but, by virtue of their front gardens tend to continue the building line so evident to the southeast.

5. The corners formed by road junctions more generally in the estate tend to be open and free of development contributing to a sense of spaciousness. Some are public space, others including the appeal site, are incorporated in private gardens. They are part of the character of the estate as well as influencing its appearance.
6. The proposal is to insert a detached dwelling in the side garden space at 1 Keats Avenue, albeit unusually close to this property, such that its flank wall would project significantly forward of the distinct building line of the terraced properties on Tennyson Road and also its less formal continuation across the front of the semi-detached properties across Keats Avenue, albeit these are stepped forward slightly in sequence. As well as projecting forward of it, the flank wall of the house would be at a slightly oblique angle to the quite rigid building line formed by the adjacent terrace on Tennyson Road. This is evident on the relevant plans, and from the Design and Access statement visualisation, and it is a feature of the proposal that would draw even more attention to the fact that the outer corners and flank wall of the proposed dwelling would be very close to curtilage boundary with the back of pavement - a projection into the street scene quite uncharacteristic of the estate which would tend to erode its character.
7. Although not a point advanced by the Council, I consider the sense of cramping within its plot that the proximity to the back of pavement of the outer flank wall would give rise to would be further exaggerated by the unusual proximity of the detached dwelling to the existing semi-detached dwelling at the appeal site, thereby heightening the incongruity within the street scene that the Council objects to in any event. The street scene is perhaps of moderate quality only, partly in view of some maintenance issues evident, but the National Planning Policy Framework ('the Framework') is clear that permission should be refused for development of poor design that fails to take the opportunities for improving the character and quality of an area and the way it functions. The addition of the proposed dwelling, which for the reasons I have given would appear incongruous, would represent poor design in context and would therefore fail that basic test.
8. The appellant draws attention to the layout of Melrose Avenue, which is connected to Keats Avenue by a pedestrian cut-through, as this does include a flank wall projection forward of the building line; and I visited that locality specifically. Having done so, I am clear that the houses there have been developed and laid out according to a distinctly different design philosophy such that the house referred to, which is contemporaneous with its neighbours, does not appear unduly incongruous. The approach there cannot simply be transferred to the appeal site with the same outcome.
9. Policy N1 of the more recent Plan for Stafford Borough is consistent with the intentions of the Framework regarding design in context and for the above reasons the principles set out as g) and h) would be offended by the proposed development such that it would harmfully conflict with the intentions of the development plan in that respect. While I am not persuaded that policy N8 is of particular relevance in this case, the conflict with N1 is clear enough to require rejection of the proposal in the absence of material indications indicating otherwise.

10. As far as highway safety is concerned, I am conscious that the lack of on-site parking breaches the local plan parking standards, thereby bringing the proposal into conflict with policies T1 and T2 of the Plan for Stafford Borough. Whilst it is material that on-street parking is an established norm in the estate, albeit there is some provision for that in the form of lay-bys (for example on Tennyson Road by the appeal site), suggesting that in a practical sense the effect on highway safety would be marginal, the conflict with the development plan in that regard nevertheless weighs against the proposal, reinforcing the Council's analysis that it conflicts with the development plan as a whole. While I appreciate the point that the conflict could potentially have been dealt with by condition, this is not an outline application and the suggestion that parking could be accommodated in the rear garden of the proposed dwelling clearly has design implications; and it is not clear in the absence of a drawn-up example that the visual harm that would be occasioned by the proposed development would not simply be exacerbated.
11. In the context of the written representations procedure and the Council's questionnaire response it is unclear why the appellant should emphasise the lack of a formal statement from the Council beyond the officer's original report or why factual matters in the appellant's statement should, specifically, be treated as undisputed.¹ The decision turns on an assessment of primarily visual harm in the context of the development plan.
12. For the reasons I have given, I consider there would be harmful conflict with the development plan and national policy. I have taken into account all other matters raised including, for example, the lesser maintenance in the face of vandalism that the loss of the side garden to 1 Keats Avenue might facilitate, but none are sufficient, either singly or in combination to outweigh the harmful conflict with policy I have identified. I therefore conclude that the appeal should be dismissed.

Keith Manning

Inspector

¹ Email from appellant to PINS 19/01/17 @12.52