
Appeal Decision

Site visit made on 24 January 2017

by D Boffin BSc (Hons) DipTP MRTPI Dip Bldg Cons (RICS) IHBC

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

Decision date: 14 March 2017

Appeal Ref: APP/B3410/W/16/3160945

Eaton Villa, 11 Broomyclose Lane, Stramshall, Staffordshire ST14 5AN

- 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 J & V Ellerby against the decision of East Staffordshire Borough Council.
 - The application Ref P/2016/00665, dated 11 May 2016, was refused by notice dated 7 July 2016.
 - The development proposed is the change of use of attached garage to dwelling.
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Decision

1. The appeal is allowed and planning permission is granted for the change of use of attached garage to dwelling at Eaton Villa, 11 Broomyclose Lane, Stramshall, Staffordshire ST14 5AN in accordance with the terms of the application, Ref P/2016/00665, dated 11 May 2016, subject to the conditions in the attached schedule.

Preliminary Matter

2. Both parties refer to the Rural Buildings Supplementary Planning Document (SPD). I have not been provided with a copy of this document by either party as part of this appeal. However, I have been provided with it by the Council in association with another appeal I am determining elsewhere in the Borough. As both parties are aware of this document I consider no party would be prejudiced by this and I have dealt with the appeal on this basis.

Main Issues

3. The main issues are:-
 - The effect of the proposal on highway safety;
 - The effect of the proposal on the living conditions of the future occupiers of the development with regard to noise and disturbance;
 - Whether the proposed development would provide a suitable site for housing having regard to the settlement strategy for the area.

Reasons

4. The appeal site presently forms part of the garden and a garage and study used in association with Eaton Villa. The site is located within a mainly residential area in the main part of Stramshall. I noted at my site visit that there was no hedge or other boundary treatment to the frontage of Eaton Villa and that a paved area adjoining the existing paved drive was in the process of being laid. The proposal involves the conversion of the existing garage and
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study into a separate 2-bedroom dwelling and the subdivision of the existing generous garden.

Highway safety

5. The submitted drawings indicate that the existing access drive/dropped kerbs would be utilised by both the existing and the proposed dwellings with an additional parking area being provided to the front and side of Eaton Villa. I note that it is not unusual for domestic parking arrangements to include shared access drives. However, due to the confines of the site and the location of the existing dropped kerbs it could be difficult to access the parking area for Eaton Villa if 2 cars were parked in front of the proposed dwelling. As such, this could lead to the overspill of parking onto the public highway.
6. I have not been provided with any adopted parking standards. I noted at my site visit that the majority of dwellings in the immediate vicinity of the appeal site have off-street parking provision and that there was little on-street parking. I acknowledge that levels of parking in the evening when some residents return from work could be higher. However, given the availability of off-street parking I do not consider that this would significantly increase the level of on-street parking.
7. At the time of my site visit in the middle of the afternoon Broomyclose Lane was very quiet and there were relatively few vehicles using it. I acknowledge that at other times of the day it may be busier but there is no evidence before me to suggest that the road is normally heavily trafficked. I also note that Broomyclose Lane is subject to a 30mph speed limit and that the Highway Authority has stated there have been no recorded incidents in the vicinity of the appeal site.
8. Moreover, both parties have suggested that a planning condition could alter the access and parking arrangements as submitted and have had the chance to comment on this matter. I noted at my site visit that there appears to be sufficient space on the frontage of the appeal site to accommodate additional parking for the existing dwelling utilising an alternative dropped kerb arrangement.
9. Taking into account all of the above a condition in relation to parking and access arrangements would ensure that sufficient off-street parking would be provided for the existing dwelling. As such, the proposal would not adversely affect highway safety and as such it would comply with Strategic Policy (SP)1 and Detailed Policy (DP)1 of the East Staffordshire Local Plan (LP) which, amongst other things, seek development that does not cause highway safety issues and integrates parking into the design.

Living conditions

10. The Council have stated that the use of the shared access drive to serve Eaton Villa would harm the living conditions of the prospective occupants of the new dwelling due to the proximity of vehicle movements to its front elevation. It is reasonable to consider that any harm would derive from the noise from vehicle movements, the shutting of car doors and conversation that may be associated with arrivals and departures and the disturbance of headlights shining into the windows.
11. With the use of the existing dropped kerbs to access the proposed parking area for Eaton Villa any vehicles and their headlights would be in close proximity to

the front elevation of the new dwelling. As such, there is the potential for noise and disturbance, especially in an evening, for the future occupiers of the proposal. I note that the use of domestic parking areas can be in close proximity to neighbouring dwellings and that the amount of traffic movements would be relatively limited. However, the proximity of the vehicles to the front window in the proposed dwelling, which is shown as a bedroom, would result in moderate harm to the amenity of the future occupiers with regard to noise and disturbance.

12. As stated above, amendments to the parking arrangements can be imposed through the use of a condition. As any alternative parking arrangement would be further away from the front elevation of the proposed dwelling I consider that this would be sufficient to overcome the moderate harm that I have identified.
13. Consequently, the proposal would not harm the living conditions of the occupiers of the proposal with regard to noise and disturbance and it follows that it would comply with LP Policy SP1. This policy seeks development that, amongst other things, does not result in vehicles harming residential amenity.

Suitable site

14. LP Policy SP2 states that development will be directed towards the most sustainable locations in accordance with the settlement hierarchy. Stramshall is identified as a Tier 3 small village and other settlement within this policy. It goes on to state that this tier of settlements are to be treated as open countryside where development will be permitted only in exceptional circumstances as set out in LP Policies including SP8.
15. LP Policy SP8 states that development outside settlement boundaries will not be permitted unless it meets one of a number of criteria. One of the criteria relates to the appropriate re-use of rural buildings following guidance set out in the SPD. The SPD deals with the conversion and re-use of rural buildings for alternative uses and primarily relates to agricultural buildings. In this case the use of the site as residential would not be affected. As such the SPD does not directly provide guidance on the subdivision of existing residential properties.
16. However, it does provide general advice in connection to the conversion of rural buildings and it states that consideration will be given to the appearance and visual impact of existing buildings and the visual impact of any curtilage.
17. Moreover, it is reasonable to consider that, as the appeal site is within the open countryside for policy purposes, the house and garage on the site can be treated as rural buildings and the re-use of the garage/study as a separate dwelling is supported by LP Policy SP8 subject to a number of criteria. The criteria include the amenity of existing occupiers, the character of the surrounding area and the impact on the highway network including adequate access.
18. I have found that the proposal would not harm the living conditions or amenity of the existing occupiers of Eaton Villa and I have no evidence before me to indicate that the proposal would harm the living conditions of any other nearby existing occupiers. I have also found that the proposal would not harm highway safety.
19. The proposal would involve the removal of the garage doors and the insertion of an entrance door and windows. The design of the fenestration would be similar to that used on Eaton Villa and the domestic character of the buildings

would not be altered. The subdivision of the existing generous garden would not harm the character and appearance of the area as the proposed gardens would be similar in size to others in the immediate vicinity.

20. I note that the dwelling would be single storey and would have 2 bedrooms and could provide a dwelling for a couple or single person. I also acknowledge that there is no detailed evidence before me in relation to housing need in the local area. However, the supporting text of LP Policy SP16 states that there is a need for significant amounts of housing for single people and couples outside of Burton.
21. Taking into account all of the above I consider that the proposed development would provide a suitable site for housing having regard to the settlement strategy for the area. It follows that the proposal complies with LP Policies SP1, SP2, SP4, SP8 and SP16 which, amongst other things, seek the re-use of existing and rural buildings and dwellings to best meet local need.
22. The Council's reason for refusal number one refers to LP Policy SP18 in relation to rural exception sites. However, as I have found that the proposal would comply with LP Policy SP8 through the re-use of a rural building LP Policy SP18 is not relevant in this case.

Other Matters

23. The Council have referred to a previous appeal decision¹ on this site. However, this decision was taken before the present development plan had been adopted and it involved the erection of a new detached dwelling. Consequently, the circumstances are not directly comparable with those which apply in this appeal and as such I give it limited weight. In any case, I am required to determine the appeal proposal on its own merits.
24. In my determination of this appeal, I have had regard to the National Planning Policy Framework's (the Framework) presumption in favour of sustainable development. Paragraph 55 advises that to promote sustainable development in rural areas, housing should be located where it would enhance or maintain the vitality of rural communities and that (with certain identified exceptions) local planning authorities should avoid new isolated homes in the countryside.
25. I acknowledge that there are limited services and facilities in Stramshall, that there is an hourly bus service to Uttoxeter and the services and facilities in Uttoxeter are within walking and cycling distance. However due to the distance to Uttoxeter I consider that for some of the time and for convenience reasons, occupiers would still tend to be dependent on travel by the private car to access most day-to-day services and facilities.
26. However, there would be a choice of transport modes for future residents and the site is as accessible to services as other dwellings that are within the village. Moreover, the proposal would convert an existing building. As the site is surrounded by residential development and taking into account the above in relation to accessibility I consider that the site could not be reasonably described as isolated.
27. One additional dwelling would be provided which would have modest economic and social benefits and as such it would help to maintain the vitality of the rural community. With regard to the environmental dimension I have found that the proposal would not have an adverse impact on the character and appearance of

¹ APP/B3410/A/10/2138220 – 31 January 2011

the area and future occupiers would have a choice of transport modes. Consequently, I consider that the environmental dimension of sustainable development would be met. I conclude that the proposal would be sustainable development.

Conditions

28. I have considered the conditions put forward by the Council against the requirements of the Planning Practice Guidance (PPG) and the Framework. In the interests of conciseness and enforceability the wording of some of the suggested conditions has been amended.
29. I have imposed a condition specifying the relevant drawings as this provides certainty. The conditions in relation to materials, boundary treatment and the blocking of the window opening are necessary in the interests of amenity and character and appearance.
30. I have altered the condition in relation to the parking and access drive taking into account that both parties have suggested that the access could be altered. This will allow the parties to develop an appropriate layout for the parking and access drive. The condition is required in the interests of highway safety.
31. The PPG states that conditions restricting the future use of permitted development rights will rarely pass the test of necessity and should only be used in exceptional circumstances. I am not satisfied that the removal of permitted development rights that the Council recommends to be removed from the dwelling is reasonable or necessary as no detailed justification is provided. Consequently, I have not included a condition restricting permitted development rights.
32. The PPG also advises that care should be taken when using conditions which prevent any development authorised by the planning permission from beginning until the condition has been complied with. In the case of the pre-commencement conditions, I consider that resolution of the matters specified to be so fundamental to the development that it would otherwise be necessary to refuse the application.

Conclusion

33. For the reasons given above and having regard to all other matters raised, I conclude that the appeal should be allowed.

D. Boffin

INSPECTOR

Attached – Schedule of Conditions

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 following approved plan: 7030-1
3. All materials to be used externally in the development hereby permitted shall match those used on the existing property.
4. A 1.8 metre high fence shall be erected to the common boundary between the rear garden areas of the existing and proposed dwelling units at No. 11 Broomyclose Lane in accordance with the details shown on the approved plan before the new dwelling unit hereby permitted is first occupied.
5. Notwithstanding the details shown on the approved plan the existing window opening to the southern elevation of the single storey rear conservatory extension at Eaton Villa, 11 Broomyclose Lane shall be infilled in solid brickwork before the new dwelling hereby approved is first occupied. The infilled brickwork shall thereafter be retained for the lifetime of the development hereby permitted.
6. Notwithstanding the details shown on the approved plan no development shall take place until details of the parking and access arrangements for the development hereby permitted and Eaton Villa, 11 Broomyclose Lane have been submitted to and approved in writing by the local planning authority. The approved parking and access arrangements shall be provided prior to the occupation of the development hereby permitted. Development shall be carried out in accordance with the approved details and shall thereafter be kept available at all times for the parking and access of vehicles.