



Appeal Decision

Site visit made on 6 February 2017

by A J Mageean BA (Hons) BPI PhD MRTPI

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

Decision date: 24th March 2017

Appeal Ref: APP/M3455/W/16/3162018

Former Church Hall, Norton Lane, Norton, Stoke-on-Trent ST6 8BU

- 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 John Latham against the decision of Stoke-on-Trent Council.
 - The application Ref 60138, dated 29 July 2016, was refused by notice dated 14 October 2016
 - The development proposed is erection of detached bungalow and alterations to garden and parking areas of dwellings approved under application 55351/FUL.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are:
 - The effect of the proposal on the character and appearance of the local area; and,
 - Whether the proposal would provide satisfactory living conditions for the future residents of the completed dwellings and proposed bungalow, with particular reference to the provision of private garden space.

Reasons

Background

3. The appeal site is located on the corner of Norton Lane and St. Bartholomew's Close. It is the rear section of a site which has already been developed under a previous approval with two sets of semi-detached properties.¹ In the plans associated with this earlier approval the appeal site forms the parking area associated with the new dwellings.² In the proposal which is the subject of this appeal, the garden areas of the constructed dwellings would be shortened, with a parking area placed between these gardens and a newly created plot for which a bungalow is proposed. I noted on my site visit that this revised layout has been adopted, and that the shortened gardens are in place.

Character and appearance

4. The area around the appeal site has a spacious character, with a recreation ground to the north west, a large wooded plot to the north, semi-detached properties on

¹ 55351/FUL

² 027/09 Rev B

long plots to the east, and open fields to the south east. As the gradient of St Bartholomew's Close drops from north east to south west, the bungalows to the south and west of the appeal site are sited at a somewhat lower level, further emphasising the open character of the area around the appeal site.

5. The proposed two bedroomed bungalow would be placed centrally within the plot, with a driveway, parking area and small amount of garden to the front and modest garden area to the rear. Its front building line would be parallel to that of the road, in contrast to the angled positions of the bungalows on either side of the Close.
6. The previously approved scheme provided a reasonably generous layout, incorporating good sized rear gardens for the dwellings, which would provide a sense of spaciousness appropriate to the location. The reduction of the garden areas and insertion of an additional dwelling, along with further fencing, would alter the balance of built form to open space, creating a degree of over-crowding on this site which would be harmful to the character of the area. Whilst the appellant has indicated a willingness to remove and reduce the height of fencing, this would not in itself be sufficient to address the loss of openness which would be caused largely by the additional dwelling.
7. I accept that the design of the proposed bungalow would, in general terms, be similar in appearance to others in the Close and that its footprint would be only marginally larger than others. I also accept that the fact that it would be positioned parallel to the road would not in itself be fundamentally harmful to the character of the locality. Nonetheless its position would reflect the constrained nature of this plot. This would contrast with the more spacious layout of neighbouring plots, most of which also include side driveways and separate garages.
8. I accept that the narrow gaps between the bungalow and its side boundaries would be similar to that between the approved dwellings. However these approved properties also benefit from open areas to their north and south, creating a sense of spaciousness overall. I also accept that the bungalow would to some degree be screened from view by the landscaped embankment to the side of the semi-detached properties, nonetheless the somewhat elevated position of the appeal site would render the bungalow visible in most views in and around this area.
9. On this matter I conclude that the proposal would be harmful to the character and appearance of this area. In this respect it would conflict with the Newcastle-Under-Lyme and Stoke-on-Trent Core Spatial Strategy 2004 (the Core Strategy) Policy CSP1, and the Newcastle-Under-Lyme and Stoke-on-Trent Urban Design SPD 2010 (the Urban Design SPD) which require that new development should be well designed to reflect the character, identity and context of the site. It would also conflict with the National Planning Policy Framework (the Framework) which requires development to achieve a high standard of design which reflects its local context.³ Core Strategy Policy CSP3 relating to sustainable development is also referred to by the Council, but is not directly relevant to this issue.

Living conditions

10. Whilst the Council's reason for refusal on this matter refers to the loss of 'visual amenity' resulting from this proposal, it is clear that the main concern in this

³ Paragraphs 17 and 58.

regard relates to the loss of garden space. The appellant has responded accordingly, and I therefore focus on this matter below.

11. As noted above, the insertion of a bungalow would result in a reduction in the length of the previously approved plots, and therefore the amount of private garden space associated with each dwelling. The bungalow itself would also have modestly sized garden areas. The latter two bedroomed dwelling would be likely, by its nature, to be better suited to a smaller and possibly older persons households, where a smaller garden space would be more appropriate. However, the semi-detached properties have clearly been designed as family homes, for which private garden space of a reasonable size is likely to be an important feature.
12. I accept that there are a variety of garden sizes in the vicinity, and that the garden space for the semi-detached properties would be similar to existing bungalows on the Close. However, my view is that the semi-detached properties relate more closely to the houses on the opposite side of Norton Lane in terms of the size and layout associated with family accommodation.
13. The Urban Design SPD does not specify garden sizes, but states that the space should be usable and relate to the house type and occupiers.⁴ I was able to observe the fenced garden areas on my site visit and it is clear that at this size they would not allow for the range of recreational and social activities normally associated with such private family spaces.
14. Furthermore, the current provision of 1.8m close board fencing has resulted in a strong sense of enclosure and over-shadowing of these areas, though I accept that the appellant's offer to reduce the fencing height to 1.2m could help address this issue. I also accept that the orientation of these garden areas to the south west would provide them with a reasonable amount of late afternoon and evening sunlight.
15. I note that the Urban Design SPD states that the appropriate size of external space should be determined in relation to the provision and location of local open space. In this respect the location of these dwellings adjacent to an area of public open space incorporating a multi-use games area and children's play space is relevant, though my view is that this would not adequately compensate for the small size of private provision.
16. On this matter I conclude that the proposal would not provide satisfactory living conditions for the future residents of the completed dwellings, with particular reference to the provision of private garden space, though I accept that the provision for the bungalow would be acceptable. Overall the proposal would conflict with the Core Strategy Policy CSP1, the Urban Design SPD and the Framework, all of which seek to ensure a good standard of amenity for the future occupants of land and buildings.

Other Matters

17. The appellant makes reference to other appeal decisions in which Inspectors have balanced the benefits of sustainable development against specific local harm, and have found in favour of the schemes. This is the correct procedure, however the specific cases cited do not have direct parallels with the present case. I therefore do not attach weight to this consideration.

⁴ R16

18. The appellant has provided details of an approved scheme at Chell Heath Road⁵. This development appears similar in scale and layout to that proposed. I was able to visit the Chell Heath Road area as part of my site visit, and observed that the built form of this area is generally characterised by a tighter, higher density layout than the area around the appeal site. In such cases the site specific circumstances are critical to their determination, and as such it would not be appropriate to attach weight to this previous decision.
19. The Council has acknowledged that it does not have a five year supply of housing land, though the extent of the undersupply is not indicated. Therefore, in accordance with paragraph 49 of the Framework, the presumption in favour of sustainable development should be applied. The mechanism for applying that presumption is set out in paragraph 14 of the Framework which advises that where relevant policies are out-of-date (and material considerations do not indicate otherwise) permission should be granted, unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework taken as a whole.
20. In this case the Core Strategy Policy CSP1 refers to the importance of design quality and the protection of residential amenity. Whilst this does not relate specifically to the supply of housing and its provisions are generally consistent with the priorities of the Framework, in the absence of a five year supply of housing land the Core Strategy policies should carry reduced weight.
21. The proposal would make a small contribution to the under supply of housing in this area. In this respect I accept that this is a brownfield site in a reasonably sustainable location. I also accept that there would be modest economic, social and environmental benefits, including the need for older persons housing in this area. Such considerations do weigh moderately in favour of this proposal.

Conclusion

22. I have found that the proposal would result in harm to both the character and appearance of this area, and the living conditions of future residents. I have also accepted the modest benefits arising from the scheme in terms of the provision of an additional unit of accommodation to address the current short fall in housing supply. However in this case the adverse impact of granting planning permission would significantly and demonstrably outweigh the benefits when assessed against the policies of the Framework taken as a whole. The proposal would also be contrary to the Core Strategy, and material considerations do not indicate that it should be determined other than in accordance with the development plan.
23. For these reasons the appeal is dismissed.

AJ Mageean

INSPECTOR

⁵ LPA Ref 58937