
Appeal Decision

Site visit made on 21 February 2017

by Alexander Walker MPlan MRTPI

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

Decision date: 27th March 2017

Appeal Ref: APP/K3415/W/16/3160610

274 Chase Road, Burntwood, Staffordshire WS7 0DY

- 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 and Mrs T Adams against the decision of Lichfield District Council.
 - The application Ref 16/00166/FUL, dated 2 February 2016, was refused by notice dated 12 April 2016.
 - The development proposed is a detached dwelling to the rear of 274 Chase Road.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are as follows:
 - The effect of the development on the character and appearance of the area;
 - The effect of the development on the living conditions of the occupants of No 274 Chase Road, with regard to the amount of private garden area and noise and disturbance;
 - Whether the dwelling would provide adequate living conditions for future occupants, with regard to privacy; and
 - The effect of the development on the Cannock Chase Special Area of Conservation.

Reasons

Character and appearance

3. Chase Road is a predominantly residential road that comprises a mix of house types and sizes. Generally, this stretch of the Road is characterised by two-storey properties set-back from the road with long, narrow rear gardens. The gardens rise quite sharply from south to north. Although the rear of the properties is largely undeveloped, it is punctuated by two single-storey dwellings to the rear of Nos 286-288 Chase Road, which were allowed on appeal in 2007¹.
4. Whilst development to the rear of properties fronting Chase Road forms part of the pattern of development in the area, this is limited to single-storey dwellings, which appear subordinate to the frontage properties. Due to the

¹ Appeal Ref APP/K3415/A/06/2030844

higher ground level and it being two-storeys, the proposed dwelling would be significantly higher than the bungalows. This would be exacerbated by its closer relationship to the frontage property and the road than the existing bungalows. Consequently, it would appear unduly dominant in views from the streetscene and fail to reflect the subordinate relationship between existing frontage properties and rear garden development.

5. Furthermore, whilst the appeal site is very long, it is also narrow, and the dwelling would almost be the full width of the site. As a result, it would appear cramped in comparison with the more spacious setting of the other rear garden development.
6. I therefore find that the dwelling would significantly harm the character and appearance of the area, contrary to Core Policy 3 and Policy BE1 of the Lichfield District Council Local Plan Strategy 2008 – 2029 (LPS), which, amongst other matters, seek to protect and enhance to the character and distinctiveness of Lichfield District and its settlements and ensure that new development respects the character of the surrounding area in terms of size, scale and public views. In addition, it would also fail to accord with the design objectives of the National Planning Policy Framework (the Framework).

Living Conditions of the Occupants of No 274 Chase Road

7. The proposed dwelling would have a very large garden, far in excess of the standards set out in the Council's Sustainable Design Supplementary Planning Document (SPD) 2015. However, the retained rear garden for No 274 would be 47sqm. The SPD states that a three bedroom dwelling should have a minimum of 65sqm. Therefore, it would fall significantly below the recommended standard. As a result, the limited size of the retained private garden would represent an oppressively confined space that would be insufficient to meet the needs of the occupants of the dwelling. This harm would be exacerbated by the access drive to the proposed dwelling running alongside the rear garden of No 274, which would further reduce the usability of the garden due to noise and disturbance as a result of the general comings and goings of the occupants of the proposed dwelling.
8. I find therefore that the dwelling would significantly harm the living conditions of the occupants of No 274 Chase Road, with regard to the amount of private garden area and noise and disturbance. As such, it would be contrary to Core Policy 3 and Policy BE1 of the LPS, which seek to protect residential amenity. It would also fail to comply with the guidance set out in the SPD. Furthermore, it would also fail to accord with the design objectives of the Framework.

Living Conditions of Future Occupants

9. Whilst the garden would be large and provide sufficient space in accordance with the SPD, it would run parallel with the rear garden boundaries of a number of properties fronting onto Leafenden Avenue. These properties are two-storey in height with rear windows that would directly overlook the rear garden of the dwelling. Due to the proximity of these windows to the boundary of the garden and the higher ground level of these dwellings, the degree of overlooking would result in there being limited privacy available in the rear garden. As a result, this would significantly harm the occupants' of the dwellings ability to use the garden without being overlooked.

10. The Council refer to the SPD with regard to a 10m separation distance between principle habitable room windows and neighbouring private amenity space. However, this is with regard to windows in side elevations. The windows the Council are referring to are in the rear elevation. Therefore, I do not find that the SPD is relevant in this respect. Nevertheless, this does not negate the harm I have identified above. I therefore find that the dwelling would not provide adequate living conditions for the future occupants, with regard to privacy. As such, it would be contrary to Core Policy 3 and Policy BE1 of the LPS, which seek to protect residential amenity. In addition, it would also fail to accord with the design objectives of the Framework.

Cannock Chase Special Area of Conservation

11. The Council's third reason for refusal as set out in the decision notice is with regard to the effect of the development on the Cannock Chase Special area of Conservation (SAC). At the time of the refusal of the application, the Council sought a financial contribution towards mitigation measures to offset an adverse effect on the SAC in the form of a unilateral undertaking (UU). An executable UU was not submitted.
12. However, following the refusal of the application, the Council adopted a Community Infrastructure Levy (CIL) Charging Schedule on 19 April 2016. The SAC contribution would now fall within the CIL charge and therefore a UU is not necessary. However, as I am dismissing the appeal for other reasons, the decision does not turn on this matter.

Other Matters

13. The appellant has referred me to a number of properties which it is argued comprise backland development similar to that proposed. Whilst backland development is clearly evident in the locality, based on the limited evidence before me and my own observations on site, in terms of site topography and the relationship with neighbouring properties, I am not satisfied that there are sufficient similarities between the developments referred to and the proposal before me to draw any direct comparison. In any event, I have considered the appeal proposal based on its own merits.
14. I appreciate the concerns raised regarding overlooking and loss of light to properties on Leafenden Avenue. However, given the positioning of the first floor windows of the dwelling and the difference in land levels I do not find that there would be any significant harm in respect of these matters.
15. I acknowledge the apprehension from local residents regarding highway safety. However, I am satisfied that there is sufficient space within the site to ensure adequate turning facilities are provided to enable vehicles to access/egress the site in a forward gear. I also note that the local highway authority raise no objection, subject to conditions. In respect of the recent traffic accident in proximity to the site, there is no evidence to suggest that this was a result of a vehicle entering/exiting the site.
16. I have also had regard to the effect of the dwelling on land stability, crime and wildlife. However, there is no substantive evidence that the proposal would have any significant harm with regard to these matters. Furthermore, issues regarding property value have not had any bearing on my consideration of the planning matters pertaining to this appeal.

Conclusion

17. For the reasons given above, having regard to all matters raised, the appeal is dismissed.

Alexander Walker

INSPECTOR