
Appeal Decision

Site visit made on 28 March 2017

by Louise Nurser BA (Hons) Dip UP MRTPI

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

Decision date: 6 April 2017

Appeal Ref: APP/M3455/W/16/3165500

**Land adjacent no 32 Edgeware Street, Cobridge, Stoke-on-Trent
Staffordshire ST1 5JT**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
 - The appeal is made by Ken Jervis Ltd against the decision of Stoke-on-Trent Council.
 - The application Ref 59675, dated 29 March 2016, was refused by notice 21 June 2016.
 - The development proposed is outline application for proposed detached house.
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Decision

1. The appeal is dismissed.

Procedural matters

2. The application was submitted with all matters reserved for further determination. Following refusal of the application an additional alternative indicative layout was provided to accompany the appeal. As the plans which accompanied the application were illustrative in nature, I have dealt with the appeal on this basis. Therefore, I do not consider that anyone's interests would have been prejudiced by my accepting a further plan illustrating an alternative indicative proposal, as matters of scale, appearance, landscaping, layout and access are reserved matters.

Main Issue

3. Both main parties are agreed that the Council is unable to demonstrate that it is able to provide a five year supply of deliverable housing sites. The main issue in this case is the effect of the proposed development on the living conditions of the occupiers of 62 to 66 Mulgrave Street, with particular regard to outlook.

Reasons

4. The appeal site is an unkempt piece of open land within an established residential area characterised by a mixture of brick built semi-detached houses and older blocks of terraced housing with strong identifiable building lines. The appeal site fronts Edgeware Street with the rear gardens of nos 62- 68 Mulgrave Street at its rear. To the north is the fence boundary with no 32 Edgeware Street and there is a footpath to the south which provides a link between the two streets. The site, which is wider than it is deep, tapers in depth from 17 m to 8m as the roads converge towards each other. In addition,
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there is a substantial difference in height between the front and rear of the site and a perceptible difference in levels between the north and south.

5. I note that the application is in outline only with detailed design matters to be considered at reserved matters stage. However, from the evidence before me and what I observed on site, including the relationship between the existing properties on Mulgrave and Edgeware Streets, it would not be possible to avoid the rear wall of the proposed dwelling being built unacceptably close to the rear boundary of the properties along Mulgrave Street. This is because the plot is constrained by its depth and if the development was sited forward of the existing defined building line for the established housing on Edgeware Street it would have a significant adverse impact on the streetscape. Moreover, due to the changes in levels, and the modest size of the rear gardens of the existing properties, I consider that the new development would appear overbearing due to its unavoidable proximity to the boundaries at the rear. This would have an adverse impact on the outlook of the residents of the existing housing both from the rear ground floor rooms and when viewed from the gardens.
6. As such the proposed development would be contrary to Policy R19 of the Newcastle-under-Lyme and Stoke on Trent Urban Design Guidance Supplementary Planning Document (SPD) 2010. This specifies that housing should provide a reasonable outlook. I have not been provided with any information as to the status of this guidance, however, the principle of providing a reasonable outlook is consistent with the Core planning principle, set out in Paragraph 17 of the Framework, to always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings, and Paragraph 56 which attaches great importance to the design of the built environment and sets out that good design is a key aspect of sustainable development, is invisible from good planning, and should contribute positively to making places better for people. Consequently, I have concluded that the development would appear overbearing and would significantly impact on the outlook of those living at the properties at the rear. As such, the proposed development would be contrary to Policy R19 of the SPD and the policy objective of the Framework to secure a good standard of amenity for all.

Other matters

7. The Council accepts that it does not have a five year supply of deliverable housing sites. In this context, the provision of an additional house would represent a modest increase to the stock of housing. In the absence of a five year supply, and taking into account the Framework's aim to boost significantly the supply of housing, I accord this benefit moderate weight in favour of the proposal.
8. At the time of my site visit I was aware that the area of land had been subject to illegal fly tipping. Whilst the construction of a property would be a means to solve this problem, I have not been provided with evidence to suggest that there are no other means by which this problem could be addressed. As such, I give this benefit limited weight.
9. It has been put to me that no objections were received and that the planning officer indicated that a smaller property would be considered. However, these matters do not overcome or outweigh the concerns outlined above.

Conclusion

10. I have concluded above that the proposal would be contrary to policy R19 of the SPD and the principles of good design set out in the Framework and that it would cause significant harm to the living conditions of the occupiers of 62 to 66 Mulgrave Street, with particular regard to outlook. Balanced against this is the contribution to the supply of housing, to which I have given moderate weight and the existing problems with fly tipping on the site to which I accord limited weight.
11. Taking everything into account, I consider that the adverse impact of granting planning permission would significantly and demonstrably outweigh the benefits. As a result, the application of paragraph 14 of the Framework does not indicate that permission should be granted and the proposal would not represent sustainable development. Overall, therefore, the proposal does not represent sustainable development and is contrary to both the Framework and the SPD.
12. For these reasons, the appeal should be dismissed.

L. Nurser

INSPECTOR