

Appeal Decision

Site visit made on 5 June 2017

by Daniel Hartley BA Hons MTP MBA MRTPI

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

Decision date: 07 June 2017

Appeal Ref: APP/C3430/W/17/3166438

Land adjacent to South Bungalow and Topeka, Holly Lane, Cheslyn Hay WS6 7AR

- 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 W Brown against the decision of South Staffordshire Council.
 - The application Ref 16/00753/FUL, dated 15 August 2016, was refused by notice dated 29 November 2016.
 - The development proposed is the erection of a part two/ part three storey dwelling, together with detached workshop and formation of new vehicular access off Holly Lane with associated 3 parking spaces and a turning area.
-

Decision

1. The appeal is dismissed.

Procedural Matters

2. I have taken the description of development from the Council's refusal notice and the appellant's appeal form as this more accurately describes the appeal proposal. The description of development on the planning application form is not accurate as it does not reflect the amended plans which removed access from The Hollies and changed the proposed garage to a proposed workshop. For the avoidance of doubt, I have determined this appeal based on the amended plans.

Main Issue

3. The main issue is the effect of the proposal upon the character and appearance of the area.

Reasons

4. The appeal site comprises land between South Bungalow which is a detached single storey dormer bungalow and Topeka which is a detached two storey dwelling with a single storey side outrigger. To the rear of the appeal site is a relatively new estate of mainly two storey dwellings with access from The Hollies.
 5. It is proposed to erect a part two and part three storey detached house. The proposal would include vehicular and pedestrian access from Holly Lane where there would be car parking for three vehicles and a turning area. To the rear
-

there would be a garden which would include a single storey workshop building.

6. The Council has indicated that in land use principle terms there would be no objection to the erection of a dwelling on the appeal site. The site falls within the development boundary for the village and I note that outline planning permission was approved in 2011 (Ref 11/00793/OUT) for the erection of a dwelling on the site. I have no reason to disagree with the Council that, in land use principle terms, some form of residential development would be acceptable on the site. However, it is necessary for me to consider whether or not the proposal would be acceptable in terms of detailed matters including the effect of the proposal upon the character and appearance of the area.
7. I acknowledge that there is a mix of house styles and sizes along Holly Lane. However, two storey developments are generally similar in height and scale and brick and render remain the predominant building materials. Hence, to this extent, there is some design uniformity. The appeal site currently provides some open relief to the essentially built up area along Holly Lane with the backdrop of the recently built estate of dwellings off The Hollies. The frontage landscaping to the properties on Holly Lane adds positively to the verdant character of the area and there are open views from the Holly Lane properties to the south where the land is designated as Green Belt. Collectively, these matters add positively to the character and appearance of the area.
8. The appeal site is sandwiched between single storey development on one side (i.e. South Bungalow) and single storey development on the other (i.e. part of Topeka). Whilst I accept that parts of the proposed dwelling would be lower in height, when viewed from Holly Lane, a significant proportion of the dwelling would be very high. In fact, at its highest point, the dwelling would have a ridge height that is much higher than other dwellings on Holly Lane. I consider that the vertical nature of the property, and its overall height when compared to other buildings on Holly Lane, would be compounded by the fact that the plot is relatively narrow and also the front elevation would include a very tall glazed window serving the first and second floors.
9. Given the above, I consider that the dwelling would appear dominant in the street-scene and would have the effect of dwarfing South Bungalow on one side and the single storey outrigger on the other. Whilst the associated single storey workshop building would not cause material harm to the character and appearance of the area, due to its position and scale, I conclude that for the collective reasons outlined above, the proposed dwelling would have a materially adverse impact upon the character and appearance of the area and that it would not contribute positively to the street-scene. Therefore, the proposal would not accord with the design aims of Policies EQ4 and EQ11 of the adopted Local Plan for South Staffordshire: Core Strategy Development Plan Document 2012 and the National Planning Policy Framework.

Other Matters

10. I have taken into account representations made by other interested parties. Some of the comments made have already been addressed in the reasoning above.
11. There are no side windows on the side elevation of South Bungalow. I am satisfied that the proposal would not cause material harm to the living

conditions of the occupiers of this property in terms of outlook, privacy and light. Taking into account the separation distances involved, I do not consider that the proposal would have a significantly detrimental impact upon the living conditions of the occupiers of any of the properties on The Hollies in terms of outlook, privacy and light.

12. I acknowledge that the proposed dwelling would be positioned in such a way that it would not have a materially adverse impact upon the levels of light and outlook relative to the front window of Topeka. However, the dwelling would be in very close proximity to two windows on the side elevation of the single storey outrigger of Topeka. I accept that these windows are secondary and that there would continue to be some light into and outlook from the primary windows. However, owing to the scale and position of the proposed development, I do consider that some limited harm would be caused to the occupiers of Topeka in terms of loss of light and outlook to/from the secondary windows. Therefore, this adds to the harm caused in respect of my conclusion on the main issue.
13. I accept that the proposed dwelling would be more similar in height to the dwellings at The Hollies. However, if built the dwelling would be seen in the context of the properties along Holly Lane and for the aforementioned reasons would cause significant harm to the character and appearance of the area.
14. Comments have been made by the occupier of No 11 The Hollies raising concerns about the use of The Hollies access road which he says is managed by a management company. However, access is not proposed from The Hollies.
15. The appellant has submitted a unilateral undertaking under Section 106 of the Town and Country Planning Act. This would include a financial contribution of £232 towards the Cannock Chase Special Area of Conservation. It has not been necessary for me to consider the planning obligation any further as I have found that the proposal would not be acceptable for the reasons outlined above. Even if I had found that a completed planning obligation was acceptable, and met the requirements of the CIL Regulations and the tests as laid out in paragraph 204 of the National Planning Policy Framework, this would not have overcome or outweighed my overall conclusion on the main issue.

Conclusion

16. For the reasons outlined above, and taking into account all other matters raised, the proposal would not accord with the development plan for the area. Therefore, the appeal is dismissed.

Daniel Hartley

INSPECTOR