
Appeal Decision

Site visit made on 18 July 2017

by Debbie Moore BSc (HONS) MCD MRTPI PGDip

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

Decision date: 27th July 2017.

Appeal Ref: APP/X3405/W/17/3172849

Land adjacent to 4 West Butts Road, Etching Hill, Rugeley, Staffordshire WS15 2LS

- 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 A and Mrs L Fletcher against the decision of Cannock Chase District Council.
 - The application Ref CH/16/313 dated 20 June 2016, was refused by notice dated 2 November 2016.
 - The development proposed is described as "Residential development: Proposed erection of a detached dormer bungalow".
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are the effect of the development on: (i) the living conditions of neighbouring occupiers, with regard to outlook, daylight and privacy and; (ii) the character and appearance of the area, in particular the Cannock Chase Area of Outstanding Natural Beauty (AONB).

Reasons

Living Conditions

3. The appeal site comprises the side garden of a substantial detached house, No 4 West Butts Road. The principal elevation of the existing house faces towards the appeal site and this contains a number of windows to main habitable rooms.
4. The appellant acknowledges that the proposed layout would not meet the guidance contained in the Council's 'Design' Supplementary Planning Document (SPD), which requires a minimum distance of 12.2 metres between principal windows and blank walls. The proposed elevation facing towards No 4 would not be a blank wall as it would have two small ground floor windows, one serving the snug/dining area and the other serving the kitchen. These windows would be in close proximity to main windows of the existing house, separated only by the width of the driveway. In this case, the required separation distance may arguably be greater than the 12.2 metres stipulated in the guidance, in order to protect the privacy of the occupants of both dwellings.

5. Moreover, as set out above, the development would be sited in very close proximity to the principal elevation of the existing house, which contains windows to main habitable rooms. Consequently, it would have a dominant and overbearing impact on No 4, and would also be likely to lead to a loss of daylight.
6. The appellant suggests that this conflict could be addressed by amending the fenestration in the southern elevation of No 4 such that there would be no principal windows facing the proposed dwelling, or that the windows could be retained but fitted with obscure glazing. I appreciate that many of the rooms with windows facing the development are dual aspect. However, I consider that altering or removing a relatively large proportion of windows to accommodate the development would be unsatisfactory, as it would have a significant effect on the living conditions of the occupants. A condition imposed to secure any such alteration would be unreasonable, given the extent of the works required and the effect on the occupants. I am aware that the appellant currently owns No 4, but this situation may change and future occupants may not have the same opinions as the appellant.
7. The neighbouring property, No 2 West Butts Road, is a relatively modest detached bungalow. The bungalow has a rear conservatory and there is a window serving a kitchen/dining room on the elevation facing the appeal site. The development would extend to one and a half storeys in height and the side gable would be sited close to the shared boundary with the neighbouring bungalow.
8. The appellant asserts that the development would achieve a separation distance of 12.9 metres from the window in the northern elevation of No 2. However, the appellant fails to acknowledge that the rear element of the proposed dwelling would be sited much closer to the shared boundary and the separation distance between the gable and the neighbour's conservatory would be considerably less than the required 12.2 metres. I saw that there is a fence on the shared boundary, but I do not agree with the appellant that the outlook from the neighbour's facing window, or conservatory, is already impacted. The effect of the development on the neighbour's outlook would be materially greater than the existing fence.
9. Also, there would be a first floor rear window serving the bedroom that would give oblique views of the neighbour's garden, resulting in a loss of privacy. The appellant has suggested that the window could be fitted with obscure glass, as it would not be the only window serving the room. Nonetheless, I am not satisfied that this solution would be acceptable as the bedroom would be a main habitable room and a condition requiring the window to be obscure glazed and fixed would be unreasonable.
10. To conclude on this matter, I find that the development would have an adverse effect on the living conditions of neighbouring occupiers due to loss of light, outlook and privacy. It would not comply with Policy CP3 of the Local Plan,¹ which seeks to protect the amenity enjoyed by existing properties or the guidance of the SPD in terms of separation distances. The development would not meet the aims of the National Planning Policy Framework (the Framework) insofar as it seeks to secure a good standard of amenity for all existing and future occupants and land and buildings.

¹ Cannock Chase Local Plan: Part 1 2014

Character and Appearance

11. The surrounding area is residential, characterised by a mix of house types of varying scale and design. There are trees and other mature landscaping features in the vicinity of the site, which make a positive contribution to the appearance of the area. The site is within the AONB.
12. The proposed plot size would be similar to others in the area and the scale of the house, and its design, would be comparable with other houses in the road. However, the proposal would not relate well to the development either side. In particular, it would be very close to the principal elevation of the existing house, which itself is a building of some architectural merit. The close proximity of the development to the existing house, and the poor relationship with its principal elevation, would not represent good design. As a consequence, the proposal would not complement the existing pattern of development and it would appear incongruous in the street scene.
13. The Council is also concerned about the loss of mature trees and shrubs, and the effect on two sycamore trees in the garden of No 2, which are protected by a Tree Preservation Order. Whilst the appellant's intention is to retain the protected trees, the Arboricultural Impact Assessment states that works would be required to reduce the canopy of one of the protected trees by up to 3.5 metres, which would be significant. Also, the future growth of the trees will have an impact on the proposed dwelling and I consider it likely that there would be further pressure to prune the trees in the coming years. The trees are mature and are visible in the wider area and, as such, they have amenity value. The value of the trees would be impacted by the development, and this would have a detrimental effect on the street scene. I am not persuaded that the proposed supplementary planting would offset the harm caused by the works to the protected trees and removal of other landscaping, as this would take some time to mature and is unlikely to be substantial due to the space constraints.
14. I have considered the appeal decision provided by the appellant in respect of No 6 West Butts Road, which lies to the west of the appeal site. Although the full balance of considerations that informed that decision is not before me, there are differences in the site specific context that leads me to a different conclusion in this case.
15. I conclude on this issue that the development would have an adverse effect on the character and appearance of the area. It would not comply with Policy CP3 of the Local Plan, or follow the guidance of the Council's 'Design Guidance for Mature Suburbs' which, in combination, seek to ensure that development is well-related to its surroundings and successfully integrates with existing trees of amenity value. Although the site is within the AONB, the character of the locality is predominantly suburban. Therefore, the development would not be in conflict with the statutory purpose of the AONB, which is to conserve and enhance the natural beauty of the area, or Policy CP14 of the Local Plan. However, this does not overcome my concerns about the effect of the development on the street scene as described above. Also, the development would not meet the aims of the Framework as it would fail to take the opportunity to improve the character and quality of an area and the way it functions.

16. The relatively limited economic and social benefits of the development, as suggested by the appellant, would not outweigh the harm identified.

Conclusion

17. For the reasons given above, the appeal is dismissed.

Debbie Moore

Inspector