
Appeal Decision

Site visit made on 16 April 2019

by E Griffin LLB Hons

an Inspector appointed by the Secretary of State

Decision date: 12th July 2019

Appeal Ref: APP/B3438/W/19/3221223

Freshwater House, Macclesfield Road, Rudyard, Leek ST13 8PW

- 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 B Daniels against the decision of Staffordshire Moorlands District Council.
 - The application Ref SMD/2018/0622 dated 26 September 2018 was refused by notice dated 14 December 2018.
 - The development proposed is demolition of existing bungalow and erection of replacement dwelling.
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Decision

1. The appeal is allowed, and planning permission is granted for demolition of existing bungalow and erection of replacement dwelling at Freshwater House, Macclesfield Road, Rudyard, Leek, ST13 8PW in accordance with the terms of the application, Ref SMD/2018/0622 dated 26 September 2018 subject to the conditions set out in the attached schedule.

Procedural Matter

2. Plan reference 17 026(0)05 marked 'Proposed New Dwelling' shows a single chimney to the side on the front and rear elevations drawings of the appeal proposal. However, both side elevations show a chimney. I have amended the standard plans condition for the sake of clarity.

Main Issue

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

Reasons

4. The appeal site consists of an existing dwelling on a substantial plot of land with a wide road frontage on Macclesfield Road. Freshwater House is a detached bungalow of largely red brick that has a steeply sloping roof with dormer windows and a front conservatory extension. The existing dwelling is described by the appellant as 'a design typical of the 70s'.
5. To the front of the appeal site, there is a large area of hardstanding that narrows to access gates with a driveway to the house on the other side. The existing dwelling is set at an angle to the road in an elevated position close to the west /north western boundary so that views from the road are largely of the side of the house and the roof with dormer windows. There are open fields

- to the north, south and east of the appeal site with development on the opposite side of the road.
6. The proposed replacement dwelling would be sited further back in the appeal site and in a more central and less elevated position than the existing dwelling and would face the existing access. It would be two storey with a largely symmetrical appearance with two projecting gables at the front and rear and a central front entrance.
 7. In terms of the overall size, there is not a significant difference between the existing dwelling with the front conservatory and the new dwelling. With regard to proportions, the change to a two story dwelling from a bungalow will inevitably add some bulk. However, the replacement dwelling with symmetrical gable features would compare favourably to the existing dwelling with the steep sloping roof and the unusual front conservatory arrangement and a side entrance.
 8. The appellant has sought to incorporate the guidelines contained in the Design Principles for Development in the Staffordshire Moorlands New Dwellings and Extensions to Dwellings (the Design Guide) within the appeal proposal. For example, the proposed proportions of two thirds elevation and one third roof would provide the balance of proportions referred to in the Guide as opposed to the existing top heavy bungalow.
 9. The Council considers that the appeal proposal is a suburban style dwelling to be found in residential areas and considers that the proportions and shape of the dwelling are of concern. However, the Design Guide refers to the symmetrical appearance of roof forms being simple with a dominant roof line and, where appropriate to the locality of the building, emphasised by gables.
 10. For materials, the choice should be appropriate to the locality. The appellant has indicated that the dwelling could be constructed with locally sourced stone rather than brick in response to the Council's comment that the dwelling had a suburban appearance and the use of appropriate materials can be conditioned.
 11. The Council has cited Policy R2 of the of the Core Strategy Development Plan Document Adopted 26 March 2014 (the Core Strategy) in its reason for refusal. The policy refers specifically to Rural Housing and states that housing development will be permitted in the rural area for replacement dwellings provided that they do not have a significantly greater detrimental impact on the existing character of the rural area than the original dwelling. However, it accepts that the existing dwelling has no redeeming character and that the conservatory does not relate particularly well to the front of the house. The appeal proposal which largely accords with the Design Guide and is intended to include features commonly seen in the Moorlands does not therefore have a significantly greater detrimental on the existing character than the original dwelling.
 12. The Council also maintains that the appeal proposal would fail to improve or enhance the rural area of which it is a part. In terms of landscape character, the appeal site is within the Dissected Sandstone Uplands which has characteristics of rolling hills with dispersed isolated settlements. The Landscape Character Assessment identifies that suburbanised dwellings are a weakness and a threat within the Dissected Sandstone Uplands landscape character of which the site forms part and that openness should be maintained.

However, there is already a large dwelling on the appeal site and the appeal proposal represents an opportunity to improve the visual appearance by creating a dwelling which is more in keeping with its surroundings. The openness of the appeal site would be maintained as the appeal proposal in its improved more central less elevated location would still be set in a spacious plot.

13. The repositioning of the new dwelling to face the existing access would present some views of the dwelling from the road. However, the hardstanding, the setback access gates and the driveway, together with the presence of mature trees and hedging does mean that views from the road of the replacement dwelling are not likely to be over dominant.
14. I do not therefore, consider that the appeal proposal would harm the character and appearance of the area. I do not therefore find the proposal to be in conflict with Policies SS6c and R2 of the Core Strategy which, amongst other things, allows for the replacement of a rural building provided that there is compliance with Policy R2 of the Core Strategy. Policy R2 of the Core Strategy, amongst other things, allow for replacement dwellings provided that they do not have a significantly greater detrimental impact on the existing character of the rural area than the original dwelling.
15. I find the proposal to not be in conflict with Policies DC1 or DC3 of the Core Strategy and the Design Guide which, amongst other things, refers to new development being of high quality and proposals respecting the site and surroundings and the protection of local landscape and resisting development that would harm the character of the settlement. The appeal proposal would also comply with the principles of good design set out in the Framework.
16. The proposal would also not be contrary to Policies SS1 and SS1a of the Core Strategy which, amongst other things, state that development will maintain distinctive character and that development which accords with the Core Strategy policies should be approved.

Conditions

17. There are a number of pre-commencement conditions. The submission of details of materials and joinery, site levels and landscaping are all required to be pre-commencement as all these are important elements of the overall scheme. The materials and joinery conditions are required to ensure satisfactory appearance in keeping with the surroundings. The landscaping conditions is required in the interests of residential and visual amenity.
18. The site levels condition is required as the site is not level and site levels are therefore important to ensure a satisfactory appearance in keeping with the surroundings. The standard time limit on the commencement of the development is included. The plans condition is included for certainty.
19. A condition requiring the demolition of the original dwelling is required to ensure that only one dwelling occupies the appeal site. I have not included the removal of permitted development rights as no exceptional circumstances have been put forward as to why it is necessary for permitted development rights to be removed as required by the Planning Practice Guidance.

Conclusion

20. Having regard to all the matters raised, I conclude that the appeal should be allowed, and planning permission should be granted subject to conditions.

E Griffin

INSPECTOR

Schedule of Conditions

- 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans; 17-026AL(0)05 Rev C and 17-026 AL(0)06 Rev B and in the interest of clarity, the chimney arrangement shall be as shown on the front, rear and western side elevation drawings.
- 3) Before development commences, details of external materials to be used on the dwelling including any parking and patio areas shall be submitted to and approved in writing by the Council. Development shall only be carried out in accordance with the approved details.
- 4) Before development commences, details of joinery to include materials and recess depth of windows within openings shall be submitted to and approved in writing by the Council. Development shall only be carried out in accordance with the approved details.
- 5) Before development commences, details of the landscaping scheme and boundary details for the development shall be submitted and approved in writing by the Council. The scheme shall include the identification of all trees and hedgerows to be retained during the construction phase as well as boundary treatments and hard and soft landscaping. It shall include details of the method of protecting the retained trees and hedgerows. The protection of the trees and hedgerows shall be implemented prior to work commencing on site and the approved landscaping shall be carried out in accordance with the approved details in the first planting and seeding season following the occupation of the development whichever is the sooner. Any trees or plants which within a period of 5 years from the completion of the development die, are removed or are seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.
- 6) Before development commences, details of the finished levels above ordnance datum of the ground floor of the proposed dwelling in relation to existing ground levels shall be submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved levels.
- 7) Demolition of the existing dwelling and removal from the development land of all materials arising from the demolition shall take place within three months of completion of the replacement dwelling hereby permitted.