

## Appeal Decision

Site visit made on 17 July 2019

**by W Johnson BA(Hons) DipTP DipUDR MRTPI**

**an Inspector appointed by the Secretary of State**

**Decision date: 15 August 2019**

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**Appeal Ref: APP/X3405/W/19/3227687**

**2 Larch Road, Rugeley, Staffordshire WS15 1AG**

- 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 Graham Elwell against the decision of Cannock Chase District Council.
  - The application Ref CH/19/026, dated 14 January 2019, was refused by notice dated 15 March 2019.
  - The development proposed is described as: 'One detached bungalow'.
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### Decision

1. The appeal is dismissed.

### Procedural Matter

2. Since the submission of the appeal the Government has published its Housing Delivery Test (HDT) results alongside the publication of an updated revised National Planning Policy Framework (the Framework) in February 2019. This makes minor revisions including an additional footnote to Paragraph 11. I have had regard to the 2019 Framework when reaching my decision.

### Main Issues

3. The main issues in this appeal are:
  - the effect of the proposed development on the character and appearance of the appeal site and the surrounding area; and,
  - the effect of the proposed development on the living conditions of neighbouring occupiers at No. 1 The Green, with particular regard to outlook, noise and general disturbance.

### Reasons

#### *Character and appearance*

4. The appeal site is located to the rear of No's 2, 2a and 2b Larch Road and would involve the re-development of part of the garden areas to these properties. Currently, the site behind No's 2a and 2b consists of hardstanding and the area adjacent to the rear garden of No 1 is overgrown. The existing vehicular access is taken from Oaktree Road to the hardstanding, where off-road parking for no's 2a and 2b is possible. The boundary treatment facing Oaktree Road consists of a low brick wall that staggers due to the changing topography with the area of hardstanding behind, and a concrete post and timber panel fence in front of the overgrown area.

5. The application proposes the erection of a one-bedroom bungalow and the reorganisation of the parking spaces for the existing properties. The scheme would be single storey with a dual pitched roof, located to the rear of No's 2, 2a and 2b. The building would have rendered walls, and the roof would be tiled. The unit would comprise of a lounge / kitchen / dining room, one bedroom, a bathroom, a hall and a storage cupboard.
6. The proposed dwelling would be accessed from Oaktree Road through a new dropped crossing, with the existing access being removed. The plot size of the appeal scheme in this location appears significantly smaller than the surrounding properties. These properties are all situated in generous plots, with long rear gardens. This gives a distinct sense of spaciousness and ordered pattern of development to the immediate surroundings. The generous plot sizes contribute to a regular rhythm of development, making a positive contribution to the surrounding area. In the context of the area surrounding the appeal site, the appeal scheme would be distinctly at odds with the character of neighbouring dwellings, as it would appear discordant in its location and more cramped in its appearance.
7. The size of the proposed dwelling would be at odds with the existing houses in the immediate vicinity, due to its single storey height, as the surrounding properties are 2-storeys in form and traditional in design. I consider that the heights of neighbouring properties in the context of this appeal do play an important role in the relationship between dwellings and would be visually significant. In the context of the area surrounding the appeal site, the proposal would be distinctly at odds with the character and appearance of neighbouring dwellings. Although other dwellings face Oaktree Road on the opposite side of the road to the appeal site, the proposal would still form an incongruous feature that would have a significant adverse impact on the character and appearance of the wider street scene.
8. I note that the appellant confirms that the use of similar materials to those present in neighbouring properties would be used in the construction of the proposed dwelling. Additionally, I note that the appellant asserts that a large double garage could be erected through permitted development rights. However, no such alternative scheme has been submitted for consideration and in any event, I am not convinced that any such scheme would be possible as the site as identified on the submitted drawings involves land allocated to No's 2a and 2b, which are one-bedroom flats, thus not benefitting from the same permitted development rights as a dwellinghouse<sup>1</sup>. Even if I had come to a different conclusion, the fall-back position is not comparable to the appeal proposal before me. I therefore, find the factors advanced by the appellant to form insufficient mitigation against the harm that I have identified.
9. For the reasons above, I conclude that the development would have a significantly detrimental impact on the character and appearance of the appeal site and surrounding area and hence that it would not accord with the design, character and appearance aims of Policy CP3 of the Cannock Chase Local Plan 2014 (LP) and paragraph 127 of the Framework.

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<sup>1</sup> Part 1, Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended)

### *Living conditions*

10. Both parties acknowledge that the proposal would accord with the separation distances specified in the Council's Design Supplementary Planning Guidance 2016. However, particular concern has been raised by the Council to the 4no. parking spaces that would be located on the existing overgrown area adjacent to the side boundary of the garden of No 1. Whilst this part of the site would be close to the side boundary of No 1, and located on slightly higher ground, which both parties estimate to amount to approximately one metre. I note that the parking area would not be sited directly adjacent to the boundary of No 1 and would be set away by a distance of 2.4 metres, which is not disputed by the Council.
11. Overall, I find that the difference in land levels between the site and No 1 to not be excessive and the parking spaces being set away from the boundary to provide sufficient mitigation against any potential harmful effects on the living conditions of the occupiers of No 1, especially when using their rear garden. Additionally, the distance between the proposed parking area and the rear elevation of No 1 that is at an oblique angle would prevent any significant harmful effects on its habitable room windows.
12. Accordingly, and in the absence of any evidence to the contrary, I find that the proposed development would not result in any significant harmful effects on the living conditions of neighbouring occupiers at No. 1, with particular regard to outlook, noise and general disturbance. Therefore, the development would accord with the amenity aims of LP Policy CP3 and paragraph 127 of the Framework.

### **Other Matters**

13. I acknowledge that the proposed development would make some positive contribution to the Council's supply of housing sites and that it would bring some social and economic benefits to the area through the provision of a new house and during the construction phase of the development. However, I find these benefits to be relatively limited and not sufficient to outweigh or alter the harm identified in respect of my conclusions on the main issues. I have considered this proposal on its own planning merits and concluded that the scheme is not acceptable for the reasons set out above.
14. I note reference in correspondence from the occupiers of No 1 to a land dispute, involving part of the site. However, any ownership issues are a private matter between the relevant parties and not within my jurisdiction.
15. I am aware of the appellant's comments at the manner in which the planning application has been dealt with. However, this has no bearing on the determination of the current appeal which is being determined on its own merits.

### **Conclusion**

16. For the reasons given above, I conclude that the appeal should be dismissed.

*W Johnson*

INSPECTOR