



Appeal Decisions

Site visit made on 17 September 2019

by Beverley Wilders BA (Hons) PgDurp MRTPI

an Inspector appointed by the Secretary of State

Decision date: 11th October 2019

Appeal A: Ref APP/M3455/W/19/3231982

Former Blurton Railway, Land off Church Road, Blurton, Stoke-on-Trent

- 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 Scotia Contracting (UK) Ltd against the decision of Stoke-on-Trent City Council.
 - The application Ref 63894, dated 16 April 2019, was refused by notice dated 18 June 2019.
 - The development is described as retention of single dwelling Plot A.
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Appeal B: Ref APP/M3455/W/19/3231983

Former Blurton Railway, Land off Church Road, Blurton, Stoke-on-Trent

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission under section 73A of the Town and Country Planning Act 1990 for the development of land carried out without complying with conditions subject to which a previous planning permission was granted.
- The appeal is made by Scotia Contracting (UK) Ltd against the decision of Stoke-on-Trent City Council.
- The application Ref 63900, dated 16 April 2019, was refused by notice dated 18 June 2019.
- The application sought planning permission for erection of six dwellings including associated levels alterations/engineering works (part retrospective) and the demolition of Plot A without complying with conditions attached to planning permission Ref 62731/FUL, dated 1 March 2019.
- The conditions in dispute are Nos 1 and 2 which state that:
- Condition 1 *"The development hereby permitted shall be carried out in accordance with the following approved plans and documents: Location Plan · AL(0)08 Rev B, received 08/08/2018, Site Plan · AL(0)20 Rev B, received 21/01/2019, Plans and Elevations · AL(0)15, received 12/12/2018, · AL(0)16, received 12/12/2018, · AL(0)17, received 12/12/2018, · AL(0)18 Rev A, received 12/12/2018, Landscape · AL(0)19 Rev C, received 28/01/2019, · AL(0)22 Rev A, received 28/01/2019, Internal boundary treatments · AL(0)13, received 28/06/2018, Retaining Wall details · Analysis report 18067, received 12/12/2018, · Wall detail 18067, 05 CO1, received 12/12/2018, Proposed Levels/Sections and Drainage · AL(0)21 Rev B, received 21/01/2019, · K705-101 Rev A, received 12/12/2018, · K705-103 Rev B, received 12/12/2018, · K705-104, received 12/12/2018, Road Finishes · K705-105 Rev A, received 12/12/2018, · K705-106 Rev A, received 12/12/2018, · K705-107, received 12/12/2018, Lighting · 362C, received 21/01/2019."*
- Condition 2 *"Within six months of the date of this permission the demolition of Plot A, as set out within the description of development, shall have been fully completed and the land finished in accordance with drawing no. AL(0)19 Rev C."*
- The reasons given for the conditions are:
- Condition 1 *"For the avoidance of doubt and in order to define the permission."*

- Condition 2 *"To ensure compliance with the approved plans as set out within condition 1 of this permission."*
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Decisions

1. Both appeals are dismissed.

Procedural Matter

2. The planning application form for Appeal A states that the development has commenced and that works started in May 2018. At the time of my visit, a single storey building had been constructed on the site. However, I noted a number of differences between the building on site and that shown on the submitted plans in relation to the door and rooflights on the front elevation. In addition, I cannot be certain that what has been constructed on site is fully in accordance with the submitted plans in terms of the scale and position of the building. I have therefore assessed the development as shown on the submitted plans.

Background and Main Issue

3. It appears from the evidence that planning permission was previously granted for the erection of 7 dwellings on the wider site which includes the appeal site (Ref 55550/OUT & 59065/RES granted in 2013 and 2016 respectively). However, it seems that development carried out on site was not in accordance with the previous permissions and a further permission for a varied scheme for 6 dwellings, not including Plot A, was granted in March 2019 (Ref 62731/FUL). Condition 1 of 62731/FUL specifies the approved plans and condition 2 requires the demolition of Plot A. Appeal B relates to an application to vary condition 1 and to delete condition 2 of this permission to enable the retention of Plot A.
4. Having regard to the background to the applications and to the imposition of the conditions, the main issue for both appeals is the effect of the dwelling at Plot A on the character and appearance of the area.

Reasons

5. The appeal site comprises a plot of land located in a prominent roadside position adjacent to Church Road, at the end of a rectangular parcel of land which is in the process of being re-developed following the granting of planning permission for the erection of 6 dwellings in March 2019 (Ref 62731/FUL). The adjacent parcel of land contains a number of newly constructed dwellings, the nearest of which are similar in scale and appearance to the dwelling at Plot A.
6. The immediate surrounding area largely comprises residential properties of varying type, though there is a small parade of commercial properties at the junction of Church Road and Maythorne Road and The Blurton Club at the junction of Blurton Road and Drubbery Lane. In the main, nearby properties front and are set back from the road and this contributes to the spacious character and appearance of the area. Church Road narrows near to the site with levels falling along the road in a northerly direction.
7. The dwelling at Plot A is sited end on to the road with its side gable positioned very close and at an angle to the front boundary of the site which marks the back edge of the pavement on this narrower section of Church Road. The position of the dwelling means that it is sited significantly forward of the front

elevations of nearby semi-detached dwellings positioned on the same side of Church Road to the north and nearer to the road than other properties in the immediate vicinity. Although when viewed from some vantage points it is viewed against a backdrop of other built development, from other vantage points and particularly when viewed from the north and south on the same side of the road, it is a highly prominent building that blocks out all views of development beyond it. Whilst I note the height and position of the boundary wall to the site as shown on drawing AL(0)19 Rev C, this wall is lower in height than the dwelling at Plot A and this together with the fact that it is a wall rather than a building, means that its visual impact is less than the dwelling. Consequently, the dwelling at Plot A is an incongruous and visually intrusive addition to the streetscene and it is harmful to the character and appearance of the area.

8. I note that prior to the appeal site and wider site being re-developed that a railway bridge spanned Church Road at this point and incorporated retaining walls adjacent to the road together with raised embankments and landscaping. However, though the bridge and supporting structures incorporated built development near to the road, these were of a very different character and appearance to the dwelling at Plot A which has a more stark and strident appearance. There is limited scope to soften the appearance of the dwelling by landscaping due to the modest size of the plot and the position of the dwelling within it and in relation to the road.
9. My attention has been drawn by the appellant to other developments nearby where built development projects close to the road. Whilst I have had regard to the other sites referred to, none appear to be directly comparable to the dwelling at Plot A in that the developments are either smaller in scale and further away from the road and/or are sited in less prominent locations. Therefore, I attach limited weight to them. In any event, I must determine the development before me on its own merits.
10. Taking the above matters into consideration, I conclude that the dwelling at Plot A has a significant adverse effect on the character and appearance of the area. The development is therefore contrary to Policy CSP1 of the Newcastle-under-Lyme and Stoke-on-Trent Core Spatial Strategy 2006-2026 and to relevant paragraphs of the National Planning Policy Framework. These policies seek, amongst other things, to ensure that new development is well designed and contributes positively to an areas identity in terms of scale and layout. Consequently, conditions 1 and 2 of application reference 62731/FUL are reasonable and necessary to ensure that there would not be harm to the character and appearance of the area and their variation/removal is not acceptable.

Other Matters

11. In reaching my decisions I have had regard to the fact that the development provides an additional dwelling in an accessible location and that its retention would result in some limited social and economic benefits. However, these benefits do not outweigh the harm that I have identified.

Conclusion

12. For the above reasons and having regard to all matters raised, I conclude that the appeals should be dismissed.

Beverley Wilders

INSPECTOR