



Appeal Decision

Site visit made on 1 October 2019

by S J Lee BA(Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 23rd October 2019

Appeal Ref: APP/C3430/W/19/3232327

Top Road, Acton Russell, Stafford ST17 0RQ

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a failure to give notice within the prescribed period of a decision on an application for outline planning permission.
 - The appeal is made by Mr Andrew Round against South Staffordshire Council.
 - The application Ref 19/00213/OUT, is dated 11 March 2019.
 - The development proposed is the erection of a 3 bedroom, detached dwelling.
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Decision

1. The appeal is dismissed and planning permission for the erection of a 3 bedroom, detached dwelling is refused.

Preliminary Matters

2. The application was made in outline, with all matters except access reserved for future consideration. I have considered the appeal on this basis and treated all plans other than those showing the access as indicative only.
3. The Council has indicated that had they determined the application, they would have refused permission for three reasons: that the development would be in a location not identified for growth and would have poor access to services and facilities; that the development would have an unacceptable impact on the character and appearance of the area and that insufficient private amenity space for future residents would be provided.

Main Issues

4. As a result of the above, I consider the main issues in this case are:
 - Whether the development would be in an appropriate location having regard to planning policies, with particular regard to access to services and facilities;
 - The effect of the development on the character and appearance of the area; and
 - The effect of the development on the living conditions of future occupiers, with particular regard to private outdoor amenity space.

Reasons

Location of development

5. Policy CP1 of the South Staffordshire Core Strategy (CS) establishes a settlement hierarchy and strategy for the area. Acton Russell is identified as an 'Other Village and Hamlet'. The policy states that such locations are not identified for growth and sets out controls on the nature of residential development that will be permitted. The development would not meet any of the exceptions that allow for new dwellings in such locations and thus there would be clear conflict with this policy.
6. There appears to be few services or facilities in the village to meet every day needs. One additional dwelling would not alter this. Some travel outside the village would therefore be inevitable. While there may be limited opportunities to use public transport, there is nothing to suggest this could offer a realistic or reasonable alternative to the car for most trips from this location. As such, there is likely to be a reliance on the car. This is not necessarily unusual in rural areas and existing occupants in Acton Russell have similar access to facilities. A single additional dwelling would also not generate a significant number of additional trips. While I have had regard to this in considering the weight given to any conflict with policy, it would still contribute to the number of less sustainable trips being made.
7. Paragraph 78 of the National Planning Policy Framework (the Framework) expects dwellings in rural areas to be located where they can help maintain or enhance the vitality of rural settlements. Paragraph 79 discourages development in isolated locations. While the development would not be isolated, there is little evidence to suggest it would provide material benefits in terms of the vitality of Acton Russell or nearby settlements. The settlement hierarchy in Policy CP1 establishes the types of development appropriate to each tier. This helps ensure development is located in the most accessible locations and where it can have the most benefit in terms of social and economic vitality. The Framework therefore provides no particular support for development in this location.
8. The appellant has drawn my attention to several planning permissions that have been granted in the village since the adoption of the plan. However, I do not have the full details of these cases or the circumstances under which permission was granted. As such, they have not had a significant bearing on my decision. I therefore find that the development would conflict with CS Policy CP1, which seeks to focus development into the most sustainable and accessible locations.

Character and appearance

9. The site forms part of the side garden of the dwelling known as Mimar House. This is a large detached house set in generous grounds. Design, scale and layout are reserved matters. Nevertheless, before granting outline permission I must be satisfied that such matters could be satisfactorily addressed. This includes whether or not a dwelling of the scale envisaged could realistically be accommodated in the space between No 9 and Mimar House without resulting in harm to the character and appearance of the area.

10. Although the nature of housing along Top Road is quite varied as a whole, the dwellings in the row leading to the site have a similar character and form. There are some variations in outward appearance relating to such things as fenestration, front gardens, drives and garages. However, they are all relatively large detached houses with reasonably wide frontages. They share similar dimensions and styling and are all set a similar distance, well back from the road. Mimar House itself is of a completely different scale and character, but is set slightly removed from the other dwellings by virtue of its large grounds.
11. The side garden of Mimar House creates a gap in what is a largely continuous but relatively loosely grained frontage. The gap would not appear sufficient to accommodate a dwelling of a similar width to those in the row leading up to the site. Inserting a dwelling into this gap, while still maintaining appropriate spaces between houses, would be likely to result in an uncharacteristically narrow house. Reducing the gaps between dwellings to maximise the width, could lead to an overtly cramped appearance. Either way, this would be likely to lead to an uncharacteristic form of development that could detract from the existing street scene. In addition, the juxtaposition created with the larger form of Mimar House might also lead to a somewhat jarring contrast in scale.
12. Notwithstanding the gap in the frontage, the uncharacteristically small and awkwardly shaped rear garden would be likely to compound concerns over the cramped and discordant nature of the development. The overall plot ratio would be unlikely to reflect those elsewhere along Top Road. While the rear garden would obviously be well screened, the constrained and incongruous nature of the plot would be readily apparent from neighbouring private views.
13. The indicative plans suggest that in order to accommodate sufficient levels of off-street parking, the drive and parking areas would take up much of the frontage. This would leave only a small area for landscaping and result in a significant reduction in the green space to the front of the dwelling. Driveways are not an unusual feature on Top Road, and there are varying levels of lawn or landscaping along its length. However, the necessity to take up so much of the open space would be likely to exacerbate the risk of the development appearing unduly constrained and out of character with its surroundings.
14. The main parties appear to agree that in order to mitigate potential privacy issues with No 9, some form of boundary treatment would be required. The scale and nature of this has not been determined. Notwithstanding whether or not this would be an effective measure, it would still impact on the visual impact of the development. There are some examples of similar types of treatment elsewhere along Top Road. However, these are not generally prominent features. Additional fencing would have the potential to further disrupt and detract from the open appearance of the frontage. I have concerns therefore that providing sufficient screening to ensure privacy could result in additional visual harm. On its own this might not necessarily warrant withholding planning permission. Nevertheless, it adds to my concerns over the likely cumulative effects of the development and the lack of comfort derived from the evidence before me.
15. The appellant has drawn my attention to the Government's Nationally Described Space Standards to demonstrate that a three-bedroom house of an appropriate minimum size could be accommodated in the space. This does not

necessarily mean that a dwelling meeting these minimum requirements would be a sympathetic or appropriate addition to the street scene.

16. Overall, I am concerned that any dwelling located on this site would appear as a contrived attempt to squeeze a discordant and unsympathetic form of development into a constrained plot. The cumulative effects would be exacerbated by associated domestic paraphernalia, the size and impact of the driveway and the likely need for boundary treatments. Based on what is before me, I find that the development would result in unacceptable harm to the character and appearance of the area. Accordingly, there would be conflict with CS Policy EQ11 which seeks to ensure, amongst other things, that proposals respect local character and distinctiveness.

Living conditions

17. The size of the rear garden would clearly be dependent on the scale and layout of the dwelling. Based on the indicative plans, the garden would provide approximately 85m² of space in a triangular shape. The Council's 'Space About Dwellings' standards suggests that a three-bedroom dwelling should provide a minimum of 65m² with a length of 10.5 metres. Depending on design and layout, distances of more than 10.5 metres could theoretically be achieved in parts of the garden.
18. Even if the overall space could meet the basic minimum standard, it is important to consider qualitative aspects in determining whether satisfactorily living conditions could be achieved. The tapering shape of the garden would inevitably and significantly reduce the area that is of any practical use. The longest parts would be in the very narrow area and thus offer questionable benefits. The overall scale and shape of the plot would inevitably mean that it would be a cramped and confined space. This is unlikely to create a comfortable environment for future occupants. There would probably be some scope for sitting out, drying clothes or outdoor storage, but I am not convinced that the functional space provided would be adequate to meet the needs of a three-bedroom family dwelling. There is nothing innovative about the proposal that would justify the lack of functional garden space provided.
19. I am not therefore persuaded that the development would result in a satisfactory living environment with regard to the amount or quality of usable garden space. Failure to provide this would cause unacceptable harm to the living conditions of future occupants. The Council has not referred to any specific development plan policies in its putative reason for refusal in this regard. However, there would be conflict with paragraph 127f of the Framework, which expects development to provide good standards of amenity for future users.

Other Matters and Planning Balance

20. Section 38(6) of the Planning and Compulsory Purchase Act (2004) states that planning decisions must be made in accordance with the development plan unless material considerations indicate otherwise. Paragraph 213 of the Framework states that development plan policies should not be considered out-of-date simply because they were adopted prior to the publication of the Framework itself. Due weight should be given to them according to their degree of consistency with the Framework (the closer the policies in the plan to the policies in the Framework, the greater the weight may be given).

21. There is no inherent inconsistency between the CS and Framework in establishing a settlement hierarchy and/or seeking to focus development into the most sustainable locations. The Council's policies, and objectives, relating to the character and appearance of an area and the living conditions of residents are also consistent with the Framework. There is nothing before me which suggests I should give anything other than full weight to the policies of the CS.
22. The dwelling would add to the housing supply of the borough. This would provide some limited social and economic benefits. The scale of any such benefits would however be small and there is nothing to suggest there is a housing shortage in the area that would justify a harmful form of development. I acknowledge that the Council raised no objection in relation to other matters. However, even if I were to agree with their conclusions, a lack of harm is neutral and weighs neither for nor against the development. There are therefore no other factors that weigh in favour of the proposal.
23. The site is within the 0-8 kilometre zone of influence for the Cannock Chase Special Area of Conservation (SAC). An unsigned and undated Unilateral Undertaking (UU) was submitted with the appeal. No mitigation for any potential impacts on the SAC has therefore been provided. Nevertheless, as I am dismissing the appeal for other reasons, there is no need for me to consider this matter, or the need for Appropriate Assessment, any further.
24. The appellant has questioned the Council's handling of the application and whether more detail should have been requested if they had concerns. This is a matter between the appellant and the Council. I have considered the appeal based on the evidence provided and my own observations. Although design, scale and layout are reserved matters, it is nevertheless legitimate to consider whether it is reasonably likely that a form of development could be accommodated without resulting in unacceptable harm. In this case, there is insufficient certainty that this could be achieved.
25. There are no details before me of either the potential design of a dwelling on this plot or any extension to No 9. It is not possible therefore to give any weight to any pre-application advice the Council might have provided in that regard.
26. The benefits of the development would not outweigh the concerns identified above. As such, there are no material considerations that would lead me to a conclusion other than in accordance with the development plan in this case.

Conclusion

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

S J Lee

INSPECTOR