



Appeal Decision

Site visit made on 1 October 2019

by Paul Cooper MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 1 November 2019

Appeal Ref: APP/B3438/W/19/3231795

Land adjacent to Prospect House Farm, Sutherland Road, Longsdon, Staffordshire ST9 9QD

- 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 & Mrs McDermott against the decision of Staffordshire Moorlands District Council.
 - The application Ref SMD/2018/0788, dated 19 December 2018, was refused by notice dated 31 May 2019.
 - The development proposed is erection of a single dwelling and detached garage.
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Decision

1. The appeal is allowed and planning permission is granted for the erection of a single dwelling and detached garage at land adjacent to Prospect House Farm, Sutherland Road, Longsdon, Staffordshire ST9 9QD in accordance with the terms of the application Ref SMD/2018/0788, dated 19 December 2018, subject to the conditions set out in the attached schedule.

Application for costs

2. An application for costs was made by Mr & Mrs McDermott against Staffordshire Moorlands District Council. This application is the subject of a separate Decision.

Background and Main Issues

3. The site is located within the Green Belt. Outline planning permission was granted for a single dwelling on the site in 2018, with matters of access and layout determined at that stage. However, the application subject to this appeal was for full permission. As part of the assessment of the 2018 permission, the Council considered that the proposal constituted infill development, and therefore was consistent with the Green Belt aims of the National Planning Policy Framework. There is no change in the Council's position for this application, and I see no reason to differ from that view. Therefore, I will deal with the appeal on that basis, and the main issues in this appeal are:
 - The effect of the development on the character and appearance of the area; and
 - The effect of the development on the living conditions of neighbouring residents, with particular emphasis on loss of privacy and overbearing impact.

Reasons

Character and appearance

4. The appeal site is a parcel of land between two existing properties, and measures approximately 35m by 25m. On the opposite side of the highway are two existing detached properties 'Wishwood' and 'The Lodge'.
5. The position of the property has been modified since the outline approval due to the position of existing drainage infrastructure. The property would be two stories in height and be located approximately 2m from the grass verge with the highway. The detached garage would be located to the south of the proposed dwelling, and set back behind the front elevation, and would be accessed from a new opening onto Sutherland Road.
6. Policies DC1 and SS1 of the Staffordshire Moorlands Core Strategy (the CS) state that, amongst other matters, that development should be well designed and reinforce local distinctiveness, respect its site and surroundings, protect the amenities of the area, including residential amenity, and maintain the distinctive character of the Staffordshire Moorlands and its settings. This approach reflects the aims set out in Paragraph 127 of the National Planning Policy Framework (the Framework) in relation to design, character and appearance.
7. The proposed house would be of a scale commensurate with other properties in the locality, with a relatively traditional design, and use of appropriate materials. The dwelling would be positioned slightly forward of the existing dwellings on that side of Sutherland Road, but given the variations in terms of the design of those properties, I do not consider that the proposal would fail to integrate with its surroundings, and the character and appearance of the street scene would not be materially affected by the presence of the new dwelling, once constructed. Subject to the details of materials and landscaping being appropriate, the proposal would be of a pleasant appearance, and add further interest to the street scene.
8. I conclude that on this issue, the proposal would not materially harm the character and appearance of the area and would be consistent with Policies DC1 and SS1 of the CS, and the aims of Paragraph 127 of the Framework.

Living conditions

9. The proximity of the proposed dwelling to the highway boundary in order to overcome the drainage infrastructure issue has resulted in the proposals becoming contrary to the minimum distance requirements set out in the Council's Space About Dwellings Supplementary Planning Document (the SPD) in relation to habitable room windows.
10. In order to overcome this, revised plans were submitted to demonstrate an amended internal layout, so that no principal rooms as defined in the SPD, namely living room, dining room, kitchen and first and second bedrooms are facing toward the properties on the opposite side of Sutherland Road. From the evidence in front of me, it would appear that the third bedroom window would use clear glazing, but a third bedroom is not defined as a principal room in the SPD.

11. However, from the Council's Statement, when the application was heard at Committee, Council Members considered the rooms indicated as a play room and a snug at ground floor level and the window of the third bedroom at first floor level should also be considered as habitable rooms and as such, considered . I find that this interpretation goes against the advice given in the SPD, and as such, having assessed the revised layout, I consider that the distances from the dwellings concerned would not cause a loss of privacy to the properties or harm the living conditions of the existing properties by means of any overbearing impact as a result of the proposals.
12. As a result, I find that the proposals are consistent with Policy DC1 of the CS with regard to the protection of residential amenity, and the aims of Paragraph 127 of the Framework.

Conditions

13. The Council has suggested a number of conditions, which I have considered accordingly. I have amended some of the wording of those conditions for the purposes of clarity and legibility.
14. In addition to the standard conditions relating to the timing of development and compliance with the approved plans, conditions relating to materials and landscaping are required to safeguard the character and appearance of the area.
15. Conditions relating to access, parking, turning and visibility are necessary in the interests of highway safety.
16. It is necessary to ensure that obscure glazing is fitted to the appropriate windows to ensure that levels of privacy and separation distances are protected.
17. It is necessary to include an ecological construction plan and a construction method statement in order to ensure protection of wildlife and protection of the living conditions of local residents through the construction phase respectively.
18. Given the size of the site, the nature of the development and its relationship with surrounding properties it is necessary to remove permitted development rights for the appropriate classes in order to safeguard the character and appearance of the area and the living conditions of neighbours.

Conclusion

19. For the reasons given above, I conclude that the appeal should be allowed.

Paul Cooper

INSPECTOR

SCHEDULE OF CONDITIONS

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
2. The development shall be carried out in accordance with the following approved plans unless otherwise agreed in writing by the Local Planning Authority:-

2018-2381-01 Existing Conditions; 2018-2381-02G Floor Plans and Elevations; 2018-2381-03F Site Plan; 2018-2381-04 Location and Block Plan.
3. Prior the commencement of development on site, samples of all facing and hard surfacing materials shall be submitted to and agreed in writing with the Local Planning Authority. The development shall be carried out in accordance with those approved details.
4. Prior to the commencement of development on site, an Ecological Construction Management Plan shall be submitted to and agreed in writing with the Local Planning Authority. The Plan shall include the following details:
 - Removal of walls by hand and careful removal of vegetation to avoid any potential impacts on great crested newts. If great crested newts are located, then work must immediately cease and Natural England must be contacted for advice. A license may be required from Natural England to enable work to continue.
 - To avoid impact on badgers, trenches or other excavations left open for more than 12 hours should be provided with an escape ramp (simply a plank of wood with no step at the base, reaching up to ground level or slightly above) for wildlife to be able to escape.
 - Works shall be timed outside the bird nesting season (1st March to 31st August inclusive). If this is not possible, then before works are undertaken a check for breeding birds shall be carried out by a suitably qualified ecological consultant. If nesting birds are located works in the affected areas shall cease until nesting is completed and fledged young have departed the site.
 - A detailed landscaping plan including vegetation removal and a planting scheme. Landscaping shall advocate the use of native species that will have positive biodiversity benefits.
 - 32m of native hedge planting along the eastern boundary of the development. Hedge plants should be 40-60cm transplants of locally common native species and of British provenance (preferably local) and should comply to British Standard 3936. Hedgerows should be planted with 6 plants per metre in two staggered rows, about 25cm apart with plants at approximately 45cm in each row. Hedgerow plants should be protected with a hedge guard and secured by cane or stake. Full details including methods of establishment, remedial

replacements, weed control, plus long-term aftercare, should be provided.

- Provision of new bat roosting opportunities in the new buildings. Full details and the proposed locations shall be provided.
- The biodiversity value of the development shall be enhanced by the provision of features for use by nesting house sparrows (Red listed RSPB species of conservation concern).
- The design and location of any external lighting shall not impact on foraging or commuting bats and minimise disturbance to other wildlife.

5. Prior to the commencement of development on site, a Construction and Environmental Method Statement shall be submitted to and agreed in writing with the Local Planning Authority. The Statement shall include the following details:

- The hours of work shall not exceed the following: Construction and associated deliveries to the site shall not take place outside 08:00 – 18:00hrs Monday – Friday and 08:00-13:00hrs on Saturdays, nor at any time on Sundays and Bank Holidays.
- The responsible person (e.g. Site Manager) who could be contacted in the event of a complaint and their appropriate contact details.
- A scheme to minimise dust emissions arising from the construction activities on site.
- Any waste material associated with the demolition or construction shall not be burnt on site and shall be kept securely for removal to prevent escape into the environment.
- A scheme for recycling/disposal of waste resulting from the construction works.
- The parking of vehicles of site operatives and visitors.

All works shall be carried out in accordance with those approved details, and any alteration to the Plan must be submitted to and approved in writing by the Local Planning Authority prior to the commencement of any alteration.

6. The access shall remain ungated for the lifetime of the development, in accordance with the approved Site Plan (2018-2831-03F)
7. The development hereby permitted shall not be brought into use until the access to the site within the limits of the public highway has been completed.
8. No development shall commence until details of the 2.4m x 31m visibility splay to the north have been submitted to and approved in writing by the Local Planning Authority. The visibility splay shall thereafter be kept free of all obstructions to visibility over a height of 900mm above the adjacent carriageway level and be provided in accordance with the approved plan prior to the development being brought into use.

9. No objects shall be placed, constructed, planted or allowed to remain within 2.4m of the carriageway edge that is greater than 900mm in height above the adjacent carriageway level on the frontage of the development between the proposed access and the southern boundary.
10. The development hereby permitted shall not be brought into use until the access drive rear of the public highway has been surfaced and thereafter maintained in a bound material for a minimum distance of 5m back from the carriageway edge.
11. The development hereby approved shall not be brought into use until the parking and turning areas have been provided in accordance with the approved plans. The parking and turning areas shall thereafter be retained unobstructed as parking and turning areas for the lifetime of the development.
12. The ground floor window serving the W.C and first floor windows serving the front elevation of Bedroom 3, the en-suite bathroom; side window serving the Master Bedroom; and the rear Bathroom shall be obscure glazed and permanently retained for the lifetime of the development.

END OF SCHEDULE