



Appeal Decision

Site visit made on 22 October 2019

by R Cooper BSc (Hons) MCD MRTPI

an Inspector appointed by the Secretary of State

Decision date: 18th November 2019

Appeal Ref: APP/X3405/W/19/3232749

Plot 8, Land Adjacent to 6 Stonehouse Road, Rugeley.

- 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 Raymond Marshall against the decision of Cannock Chase District Council.
 - The application Ref CH/18/363, dated 6 February 2018, was refused by notice dated 24 April 2019.
 - The development proposed is the erection of a detached two storey house.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are the effect of the proposed development on (i) the character and appearance of the area; and (ii) the living conditions of the occupiers of 6 Stonehouse Road in respect of outlook and light.

Reasons

Character and Appearance

3. Stonehouse Road is located in the area of Etching Hill, to the north west of Rugeley. The road has a linear form of housing development, mostly along the south eastern side of the road with open fields to the northwest. The properties along the street are set back from the road, with the spacing between buildings providing a sense of openness. A grass verge and hedges running along the fronts of properties contribute to the prevailing semi-rural character and appearance of the area. The appeal site is an undeveloped plot of land, the frontage of the site appears narrower within the street scene in comparison to the prevailing pattern along the road. The site also falls within the Cannock Chase Area of Outstanding Natural Beauty (the AONB), the areas special qualities and its setting consists of a varied landscape of heathland, woodland, wood pasture, parkland and agricultural land.
4. The site provides an open appearance around Cricklewood House (No 10) Stonehouse Road which is a two storey dwelling to the west and No 6 Stonehouse Road, which is a bungalow to the east. The proposed 4-bed property would be inserted in between these two dwellings. Whilst there would be some space retained either side of the house, this would be marginal, and the dwelling would therefore appear cramped between the two dwellings. Due to the scale and height of the house, and its proximity to the adjacent buildings

either side, the dwelling would have a dominating and enclosing impact on the street scene. In essence, the proposal would fail to reflect the open and spacious appearance of the locality.

5. The submitted plans show a new access and driveway to the left hand side of the plot. The evidence suggests that this takes account of a Tree Preservation Order (TPO). Whilst the Council have concerns that this would disrupt an established pattern of properties having driveways to the right hand side, the evidence provided indicates that there is a mix of driveways to the left and right of properties along the road. There may be proportionally more to the right but given the general mix of driveway positions in the area this part of the development would not in itself cause harm. However, this does not overcome my concerns about the adverse effect of the proposed dwelling on the character and appearance of the area.
6. I have considered the appellant's submission regarding the footprint of the building being smaller than that of adjacent No 10, and that the building conforms with the Council's standard to retain one metre to each side. However, these matters do not alter my findings above.
7. For the above reasons and owing to the position and scale of the proposed dwelling, I conclude that significant harm would be caused to the character and appearance of the area. The proposal would not therefore accord with Policy CP3 of the Cannock Chase Local Plan (Part 1) 2014 and paragraph 127 of the National Planning Policy Framework 2019 (the Framework) which promote high quality design to reflect the character and distinctiveness of an area.

Living Conditions

8. The adjacent bungalow at 6 Stonehouse Road has an external seating area on raised decking adjacent to the appeal site. This area overlooks their back garden, and the vacant land adjacent provides the occupiers with a sense of seclusion. The area is overlooked by multiple windows at the rear of the bungalow and is accessed from French doors from a habitable room, and a separate door from the kitchen. The area is well used by the occupiers and it contributes positively to their living conditions.
9. Whilst the rear of the property faces north, the seating area benefits from afternoon and early evening sun, through the gap to the southwest in between Nos 6 and 10. The proposed dwelling would be positioned in this gap, and because of its scale and height, it would cause significant overshadowing and loss of sunlight to this external area which would be detrimental to the living conditions of the occupiers at No 6.
10. The substantial two storey building would have a significant two storey rearward projection, projecting past the rear elevation of No 6. The extensive brick elevation running along the boundary with No 6 would appear obtrusive and overbearing when viewed from the adjacent terraced area, significantly harming the occupiers living conditions.
11. For the above reasons, I conclude that the proposed development would lead to a material loss of light and outlook for the occupiers of 6 Stonehouse Road. The development would not therefore accord with the criteria set out in Policy CP3 of the Cannock Chase Local Plan (Part 1) 2014 and paragraph 127 of the Framework which collectively seek to ensure that new dwellings do not appear

overbearing or cause overshadowing so as to affect the quality of life of neighbouring occupiers.

Other Matters

12. I understand from the evidence provided that previously in 2008 outline planning permission (CH/08/0214) was granted for a dwelling on the site, and that in 2010 the Council approved another planning permission (CH/10/0363) for a similar development. However, I have not been provided with the specific details of either case. In any event, I have determined this appeal on its individual planning merits.
13. The appellant has raised concerns in relation to the application being determined by the Council Planning Committee, and the behaviour of Councillors at the meeting on 10th April 2019, as well as unnecessary time, inconvenience and expense that this caused. However, these are not matters relevant to assessing the planning merits of the proposal.
14. I am aware that the planning application was recommended for approval by Council officers and that it was refused by elected members. However, elected members are entitled to reach a different decision to the officer recommendations.
15. I acknowledge the officer's comment in relation to the principle of development; that the site would, to a limited extent, add positively to housing supply in an area; that permitted development rights could be restricted; that the protected tree would be retained, and that there would be a requirement to pay the CIL. However, these matters do not outweigh or alter my conclusions on the main issues.
16. The appeal site is located in close proximity to the Cannock Chase Special Area of Conservation (SAC). However, it has not been necessary for me to undertake an appropriate assessment of the proposal under Regulation 63 of the Conservation of Habitats and Species Regulations 2017 given my conclusions on the main issues.
17. There is a tree to the front of the site which is protected by a TPO. From the evidence provided this would not be affected by the proposed dwelling and the driveway has been positioned so as to not cause harm to the tree. I also note that had the appeal been allowed the Council would have requested the imposition of a condition for tree protection measures to ensure the tree was not damaged during the period of construction work. Overall, I have no reason to believe that the tree would be adversely affected by the proposed dwelling.
18. I have had regard to the site's location within the AONB. Existing dwellings border the property on three sides, and formally the land would have formed part of a large garden. Consequently, the proposal would conserve the landscape and scenic beauty of the AONB. However, this does not alter my conclusions on the main issues.

Conclusion

19. For the above reasons, the appeal is dismissed.

R Cooper

INSPECTOR