



Appeal Decision

Site visit made on 13 January 2020

by S Harley BSc(Hons) MPhil MRTPI ARICS

an Inspector appointed by the Secretary of State

Decision date: 20 January 2020

Appeal Ref: APP/K3415/W/19/3237727

204 High Street, Chasetown, Burntwood WS7 3XH

- 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 Ms Leanne Lennon against the decision of Lichfield District Council.
 - The application Ref 19/00113/FUL, dated 20 January 2019, was refused by notice dated 7 June 2019.
 - The development proposed is demolition of workshops and construction of three bedroom dormer bungalow.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The appellant's name was described incorrectly on the planning application form. The above name has been confirmed as correct.
3. The development plan now includes the Local Plan Allocations 2019. The Policies cited in the decision notice remain adopted and the Council has advised that no new relevant Policies have been introduced. I have considered the appeal on this basis.
4. Although the second reason for refusing the planning application states that the site is within the Cannock Chase Special Area of Conservation (SAC) the Council has confirmed it is some 6.1 km away. Accordingly it is within its 8km Zone of Influence buffer. The SAC is an area defined by the Conservation of Habitats and Species Regulations 2017 (the Regulations) and has been given special protection as a nature conservation site. Paragraph 177 of the National Planning Policy Framework (the Framework) states that the presumption in favour of sustainable development does not apply where the project is likely to have a significant effect on a habitats site (either alone or in combination with other plans or projects), unless an appropriate assessment has concluded that the project will not adversely affect the integrity of the habitats site.
5. I am not aware that an appropriate assessment has been undertaken in respect of the appeal proposal's relationship with the SAC. I note that the Council considers that mitigation in the form of a contribution towards the cost of works on the SAC provided through a Unilateral Undertaking would ensure that the development would not have a significant impact on nature conservation interests. Given I am dismissing the appeal I have not explored this issue further. However, if the circumstances leading to a grant of permission had

been present, I would have been required to give further consideration to the impact upon the European Site in accordance with the Habitats Regulations.

Main Issues

6. The main issue is the effect of the proposed development on the character and appearance of the surrounding area.

Reasons

7. The appeal site is within the built up area of Chasetown. In accordance with the Lichfield Local Plan Strategy 2015 (the LP) there are no objections to the principle of residential development provided other planning policies and considerations would be satisfied.
8. No 204 High Street is a detached house in a row of dwellings of varying sizes styles and shapes, but with a broadly uniform front-of-building line. The proposal is for a detached residential property in part of the rear garden of No 204. It would replace a block of two garages with an open carport between at the bottom of the garden. Access would be along the existing driveway to the side of the house at No 204.
9. The proposed building would have a steep roof and dormers to allow for three bedrooms and two shower rooms in the roof space. The ridgeline would be some 7.28m high and the proposed side walls would be very close to the side boundaries of the site although set back some 34m from the highway boundary. There would be separate gardens for the proposed dwelling and the host property. Although these would be relatively small in comparison to neighbouring properties, they would meet the requirements of the Lichfield Sustainable Design Supplementary Planning Document 2015 (the SPD) and would provide sufficient amenity space for existing and future occupiers without causing undue harm to the locality in this respect.
10. The properties on this stretch of the High Street generally have frontages direct to the highway and the proposal would amount to backland development which would differ to the local area layout. There is nothing wrong with backland development in principle. However, in this case, I conclude that due to the height, width and scale, including the dormers, and notwithstanding the setback from High Street behind access gates, the proposed dwelling would be unduly prominent and harmful to the character and appearance of the locality. It would significantly reduce the gap between buildings particularly above ground floor level. Due to its scale it would not appear as an ancillary out-building.
11. There are tall trees on the rear boundary which help screen the site from views from the Burntwood Leisure Centre. However, the "dense vegetation on the shared boundary" depicted in the Design and Access Statement has been removed. The proposed building would be very close to the side boundaries of the site, which, together with the need for access to the parking areas proposed, would significantly limit the space available for any boundary planting to soften the appearance of the proposed building or to help protect the living conditions of occupiers of the neighbouring property.
12. I have taken into account that the proposal would replace the garages and carport. However, although these are nearly as wide as the garden, they are much smaller in scale, being lower with almost flat roofs, and much further

back in the garden. Accordingly they are much less prominent than the proposed building would be.

13. For the above reasons I conclude that the proposed development would have a harmful effect on the character and appearance of the area. Accordingly it would conflict with Policy BE1 and Core Policy 3 of the LP; and the SPD. These together seek high quality development that protects and enhances the character and distinctiveness of the District; and which would be of a layout, size, scale and nature appropriate to its locality. Nor, overall, would the proposal amount to the good design sought by the Framework.

Other Matters

14. The appellant says the garages/carport were used for car repairs and that the proposal would reduce the number of vehicle movements. Although neighbours have raised concerns related to the effect of traffic generation on their living conditions the Council has not objected on this basis. I find no reason to come to a different conclusion.
15. I acknowledge that there are outbuildings in other nearby properties and there are some instances where planning permission has been granted for backland dwellings elsewhere in the District¹. From the evidence available these appear to be lower in height; and/or in wider plots; and of different design. They do not lead me to any different conclusion in relation to the appeal before me. Moreover, elsewhere planning permission has not been forthcoming².
16. The appellant states that the issue relating to the SAC was not specifically raised by the Council during the course of the planning application. Whilst this is unfortunate, the status of the SAC has been recognised in the LP since at least 2015.
17. The proposal would provide sufficient garden amenity space. However, these are requirements of all developments and do not amount to a positive benefit of the proposal.

Planning Balance and Conclusion

18. The proposal would provide an additional dwelling to add to the local housing stock and would provide economic benefits from employment construction and spend in the local economy. However, as a single dwelling these benefits are very limited and would not outweigh the harm that would be caused to the character and appearance of the area. In failing to comply with Policy BE1 and Core Policy 3 of the LP the proposal cannot comply with the development plan taken as a whole. I conclude the appeal should be dismissed.

S Harley

INSPECTOR

¹ Including Refs APP/K3415/W/17/3190073; APP/K3415/W/16/3145352; 01/01181/FUL; 00/01161/FUL

² For example dwelling 16/00166/FUL Land rear of 274 Chase Road, Burntwood. Dismissed APP/K3415/W/16/3160610