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## Appeal Decision

Site visit made on 12 November 2019

**by R Cooper BSc (Hons) MCD MRTPI**

**an Inspector appointed by the Secretary of State**

**Decision date: 23<sup>rd</sup> January 2020**

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**Appeal Ref: APP/M3455/W/19/3236207**

**Land adjacent to Bourne Street, Derry Street & Tweed Street,  
Bourne Street, Heron Cross, Stoke-on-Trent ST4 3BE**

- 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 Westbourne Construction Ltd against the decision of Stoke-on-Trent Council.
  - The application Ref 63353/FUL, dated 22 October 2018, was refused by notice dated 1 March 2019.
  - The development proposed is the construction of six dwellings and improvements to road access.
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### Decision

1. The appeal is dismissed.

### Procedural Matter

2. The description of the proposal in section 5 of the application form refers to the construction of 6 dwellings, whereas the Council's decision notice refers to the erection of 5 dwellings. I understand from the information provided with the appeal that the application was amended by the appellant and the number of dwellings was reduced to 5 during the Council's consideration of the application. Therefore, for the avoidance of doubt I have considered the appeal for the erection of 5 dwellings with associated access improvements.

### Main Issues

3. The main issues are the effect of the proposed development on the character and appearance of the area; and the living conditions of occupiers at 26 Bourne Street with particular regard to outlook and light.

### Reasons

#### *Character and Appearance*

4. The appeal site consists of an irregular shaped parcel of land positioned between the properties fronting onto Bourne Street to the north, Derry Street to the east and a grassed verge to the south. The land to the south slopes down towards a link road serving the nearby junction of the A50. The prevailing character of the area is residential consisting of two storey period terraced properties, arranged in a uniform pattern, fronting directly onto the street, with back yards serviced by alleyways to the rear.

5. Whilst the proposed access is to be taken off Bourne Street, the dwellings themselves would have no direct street frontage. Consequently, the proposal would result in a back land development that would not respect the prevailing pattern of development in the area.
6. Plots 3 to 5 would be arranged in a terrace, positioned back to back with properties on Derry Street, and at ninety degrees to properties along Bourne Street. Whilst plot 3 would be set off the boundary to the north, the south facing gable of plot 5 would be positioned hard up against the southern boundary, and the public footpath that runs along it. This arrangement combined with the proximity to existing dwellings, and the back land nature of the development would result in a forced and cramped appearance.
7. To the south, whilst the main carriageway of the A50 is in a cutting, the proposed dwellings would be visible from the link roads serving the raised roundabout junction. The cramped appearance combined with the site's elevated position would result in an incongruous feature that would appear prominent when viewed from the public footpath and the link roads to the south of the site.
8. Whilst the site may be predominantly screened from the public vantage points along Bourne Street and Derry Street, it would be prominent when viewed from the rear of adjacent terraced properties. Furthermore, I have considered the appellant's submission with regards to proposed landscaping on-site, but due to the proximity of the southern boundary with the public footpath and the link road to the south, I am not satisfied that these proposals, or the existing landscaping off-site would be sufficient to overcome the harm to the character and appearance of the area.
9. I have considered the sales particulars provided by the appellant, detailing the appearance of existing houses in the area. The width, eaves and ridge height of the proposed dwellings would be similar to these, and proposed materials would reflect the traditional appearance of existing houses in the local area. However, this does not alter my findings above regarding the prevailing pattern of development, and the cramped appearance. Furthermore, the proposals to set the damp proof course (DPC) levels some 250mm lower than the current ground levels of the site would have a negligible effect on the overall appearance and prominence of the site from the south, or when viewed from the rear of adjacent terraces.
10. I conclude that the appearance of the proposed development would not relate well to its surroundings and its positioning in relation to adjacent properties would result in a cramped appearance. It would be an unacceptable form of development that would harm the character and appearance of the area. The proposal does not, therefore, accord with Policy CSP1 of the Newcastle-under-Lyme & Stoke-on-Trent Core Spatial Strategy 2006-2026 (2009) and paragraph 127 of the Framework which collectively promote high quality design to reflect the character and distinctiveness of an area. Furthermore, it would not reflect the advice contained within the Newcastle-under-Lyme & Stoke-on-Trent Urban Design Guidance Supplementary Planning Document 2010.

### *Living Conditions*

11. 26 Bourne Street is a detached dwelling located at the end of the road. The property is orientated so that its private garden runs along the boundary of the

- appeal site. The property is at a significantly lower level than that of the appeal site, this difference in levels is particularly noticeable when entering the site via the existing ramped pedestrian access in between Nos 22 and 26.
12. Proposed plots 1 and 2 would be a pair of semi-detached 3 storey dwellings, with the 2<sup>nd</sup> floor being accommodated within the roof space. The building would be positioned so that the side elevation of plot one would be in close proximity to the northern boundary of the site, adjacent to No 26. The gabled side elevation would extend almost the full length of the garden. With the exception of a first floor bathroom window, the elevation would consist of a large expanse of brick. Due to its close proximity, and the significant difference in land levels the side elevation of plot one, would appear overbearing and oppressive to the occupiers of the garden at No 26. Furthermore, given that plots one and two would be located to the south of No 26, and in an elevated position, they are most likely to cause significant overshadowing to its garden throughout much of the day.
  13. I have considered the previous appeal decision letter<sup>1</sup> provided by the Council. Whilst full details of this previous scheme have not been provided, I understand that it related to the erection of 8 apartments, in the form of two, two storey buildings arranged in similar positions to that of the current appeal scheme. In this respect, the harm I have identified above would be consistent with the previous Inspector's findings.
  14. The gable wall of plot 1 would be in excess of 3 metres from the boundary with No 26, and it would only overlap the adjacent elevation of No 26 by 2 metres. However, the floor level would be significantly higher than No 26, and the gable wall would extend almost the full length the garden, therefore, these matters do not overcome the harm I have identified above. The appellants proposals to set the DPC levels of the dwellings some 250mm lower than the current ground levels of the site would not be sufficient to mitigate the harm caused by the level difference between plots 1 and 2 and 26 Bourne Street.
  15. Whilst the appellant considers the proposed new dwellings to meet the requirements defined in the Technical Housing Standards – Nationally Described Space Standard (2015), this does not affect my findings on the harm that would be caused to adjacent occupiers.
  16. For these reasons I conclude that the proposed extension would harm the living conditions of adjacent occupiers of 26 Bourne Street, with regard to outlook and overshadowing, and the proposal does not accord with the criteria set out in Policy R15 of the Newcastle-under-Lyme & Stoke-on-Trent Urban Design Guidance Supplementary Planning Document 2010 which seeks to ensure that development proposals do not cause overshadowing or appear overbearing so as to affect the quality of life for residents.

## **Other Matters**

17. I have considered the appellant's submission in relation to the National Planning Policy Framework's (the Framework) presumption in favour of sustainable development, that the site is previously developed, that several planning permissions have previously been granted, and the principle of residential development is acceptable. However, the adverse impacts that

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<sup>1</sup> APP/M3455/A/09/2114616

would be caused to the character and appearance of the area, and to the living conditions of occupiers at No 26 would significantly outweigh the benefits of the scheme, when assessed against the policies in the Framework taken as a whole.

18. I understand that the local highway authority has raised no objections to the proposed development, and the Council did not refuse the application on highways safety grounds. However, this does not alter my findings on the main issues.
19. The appellant has raised concerns in relation to the processing of the application by the Council, and the correspondence that took place between both parties regarding amendments and would like to know what number of dwellings would be acceptable to the Council. However, these are not matters relevant to assessing the planning merits of the appeal proposal or are matters between the parties concerned and would not affect the outcome of this appeal.

### **Conclusion**

20. For the reasons given above, the appeal is dismissed.

*R Cooper*

Inspector