



Appeal Decision

Site visit made on 21 January 2020

by Robert Hitchcock BSc DipCD MRTPI

an Inspector appointed by the Secretary of State

Decision date: 07 February 2020

Appeal Ref: APP/B3438/D/19/3239610

April House, 1 Badgers Sett, Leek ST13 8YE

- 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 Miss Debbie Redfern against the decision of Staffordshire Moorlands District Council.
 - The application Ref SMD/2019/0359, dated 10 June 2019, was refused by notice dated 5 August 2019.
 - The development proposed is a ground floor extension to front elevation and removal of unsuitable 42-44 degree access staircase. New 25 degree staircase and door access to side elevation.
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Decision

1. The appeal is dismissed insofar as it relates to the proposed ground floor extension to the front elevation. The appeal is allowed as it relates to the new staircase and door access to the side elevation and planning permission is granted for a new staircase and door access to the side elevation at April House, 1 Badgers Sett, Leek ST13 8YE in accordance with the terms of the application, Ref SMD/2019/0359, dated 10 June 2019, and the plans submitted with it, so far as relevant to that part of the development hereby permitted and subject to the following conditions:
 - 1)The development hereby permitted shall begin not later than three years from the date of this decision.
 - 2)The development hereby permitted shall be carried out in accordance with the following approved plans: Location plan and drawing numbers 2019/05/P/32 and 2019/05/P/33.
 - 3)The brickwork to be used in the construction of the external surfaces of the stairway hereby permitted shall match those used in the existing building.

Procedural Matters

2. The appellant has submitted amended plans at the appeal stage to address the overlooking concerns of the Council. Whilst the amendments shown on these drawings are minor in nature, I have not been advised that all parties have been made aware of the changes therein or have had the opportunity to comment on them. In order to avoid prejudice to any party I have determined this appeal based on the originally submitted plans. Even if I had accepted the amended plans, this would not have changed my decision with regard to the effect of the development on the character and appearance of the locality.
3. The Council refer to the Staffordshire Moorlands Emerging Local Plan (Submission Version February 2018) and its further modification and

consultation. I have little information to suggest when the plan will be adopted, if any policies have been modified, or if there are any unresolved objections. Accordingly, I have determined the appeal against the current development plan, as I am required to do.

4. For the reasons that follow, I find the proposed staircase and door access to the side elevation to be acceptable and it is clearly severable both physically and functionally from the proposed ground floor extension. Therefore, I intend to issue a split decision in this case and grant planning permission for the staircase and door opening.

Main Issues

5. The main issues are the effect of the development on the character and appearance of the locality and the living conditions of nearby residents with particular regard to levels of privacy.

Reasons

Character and appearance

6. Badgers Sett is a broad residential cul-de-sac set within a residential estate on steeply sloping ground. The opposite sides of the road feature distinct house types which are consistently styled along their length but contrast with the housing opposite.
7. On the higher side of the road, 1 Badgers Sett lies at the end of a stepped row of development that shows a high degree of consistency in terms of their scale, design, detailing and materials. The row includes housing with accommodation on two floors set above garages to appear as three-storey properties to the front but two-storey to the rear on account of the changes in levels. A subsequent detached property (no.1A) has been added at the corner of Badger Sett with Badgers Rise showing sympathetic characteristics.
8. The paired properties include common detailing such as projecting gables, doorway canopies, box windows, corbel detailing, stone headers and sills, railings and elevated entrances with stairway access. Although some changes to window and door types and colours, including the removal of the box window to the appeal site, have occurred, the consistently styled row of development creates a strong characteristic of the Badgers Sett streetscene.
9. The construction of the front extension on the area of the raised terrace providing the main access would result in the loss of a number of the consistent feature elements of the buildings including the front access stairway, railings, porch canopy and original openings. The effect would cause a loss of symmetry across the first of the paired properties and disrupt the rhythm of consecutive and consistent design features along the wider row.
10. The formation of larger areas of blank brickwork running through from the garage to intermediate floor level when taken in conjunction with the proposed new roof rising to the sill level of the upper floor windows, would appear as a large addition. The scale, design and raised position of the proposed front extension is such that it would give rise to a prominent feature that would be significantly at odds with the current appearance of both the appeal property and the adjacent property at 3 Badgers Sett.

11. Although new window openings would reflect the proportions and detailing of the upper floor windows, this would not compensate for the loss of the existing more varied and visually interesting features. The proposal would result in the appeal property having a pronounced asymmetric, and so unbalanced, appearance that, by virtue of its contrast with the remainder of the row would appear conspicuous.
12. There are no other properties within the cul-de-sac that have a similar front extension to that which is being proposed. As such the front extension would draw the eye and represent an incongruous feature within the overall street scene. Even with the amended roof form proposed on the later submitted plans, the extension would appear at odds with the character and appearance of development in the area.
13. Consequently, I conclude that the front extension would cause harm to the character and appearance of the area and therefore would conflict with Policies SS1 and DC1 of the Staffordshire Moorlands Local Development Framework Core Strategy Development Plan Document (2014) (SMCS), the Design Principles Supplementary Planning Document and paragraph 127 of the National Planning Policy Framework (the Framework) which contain, amongst other matters, the requirement for high quality design that responds to the character and appearance of the area.
14. The proposed staircase would replace an existing steep external staircase that facilitates access to the rear of the property. The existing steps lie within the gap between the appeal site and no.1A, which has a similar flight of steps immediately adjacent to the common boundary.
15. The main parties agree that the proposed stairway and door opening would not result in any adverse impact on the character and appearance of the locality. Based on the evidence before me and observations at my site inspection, I find no reason to disagree with that finding.
16. The proposed reduction in the overall pitch of the staircase would extend the upper landing and flight forward within the plot and to within a short distance of the line of the forward garage elevation. Subsequently, a large element of the higher steps of the flight would be contained within the gap between the buildings with only the lower steps protruding forward of no.1A. When viewed against the gable end of the dwelling and with the incorporation of a balustrade and handrail to match the existing, the proposed stairway would appear as a minor element and reflect other varied examples of stairways in the locality.
17. The formation of a new door opening to the side elevation would closely reflect the circumstances at no.1A and the style and features of existing doorways locally. Accordingly, this would assimilate with the composition of development in the locality.

Living Conditions

18. The local changes in levels from one side of the road to the other and subsequent arrangement of accommodation within the different house types is such that the forward kitchen window of no.1 is at a similar level to the upper floors of 6 and 8 Badgers Sett. These properties overlap the appeal plot on the opposite side of the road.

19. The Council's 'Space About Buildings' Supplementary Planning Document seeks a minimum distance of 22 metres between the front elevations of dwellings containing principal windows. According to the appellant's evidence, the proposed extension would reduce the intervening distance to about 16.6m with respect to no.6 and therefore fail to meet the Council's adopted standards.
20. Despite a slight offset between the proposed front kitchen window and the windows within the forward projection of no.6, or the existing view from the upper floor of the appeal property, in my view, this degree of incursion into the standard distance would give rise to an adverse impact on the living conditions of occupiers of that dwelling through overlooking and a subsequent loss of privacy.
21. For the above reasons, I conclude that the proposed front extension would adversely affect the levels of privacy currently enjoyed by occupiers of no.6 and therefore the standard of living conditions of those residents. This would conflict with Policy DC1 of the SMCS and paragraph 127 of the Framework, as they seek to protect the amenity of nearby residents including that arising from a loss of privacy.
22. Although the proposed new stairway would project forward of no.1A this would result in a similar effect to that arising from the current use of the side walkway and front flight of steps in terms of views into no.1A. Consequently, no significant impact from this element of the proposals would arise.

Other Matters

23. In support of the development the appellant raises concerns in relation to the quality of build of the existing dwelling and previous problems arising from this. It is contended that the proposed extension would assist in addressing those problems, would facilitate improved access and parking, and incorporate eco-friendly principles and efficiency improvements. Furthermore, it is highlighted that economic benefits arising from its construction would accrue. However, whilst acknowledging the benefits that would result in those respects, these are not sufficient to outweigh the harm that I have identified.

Conditions

24. In addition to the standard condition which limits the lifespan of the planning permission I have specified the approved plans for the avoidance of doubt and in the interests of proper planning. A condition relating to materials is necessary to ensure that the appearance of the stairway would be satisfactory.

Conclusion

25. For the reasons given above I conclude that the appeal should be allowed insofar as it relates to the new staircase and doorway to the side elevation but dismissed as it relates to the front extension.

R Hitchcock

INSPECTOR