



Appeal Decision

Site visit made on 5 February 2020

by M Russell BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 24 February 2020

Appeal Ref: APP/B3410/D/19/3240991

The Gardens, Savey Lane, Yoxall, Staffordshire DE13 8PD

- 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 B Atkins against the decision of East Staffordshire Borough Council.
 - The application Ref P/2019/01075, dated 23 August 2019, was refused by notice dated 18 October 2019.
 - The development proposed was originally described as erection of a new double carport.
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Decision

1. The appeal is allowed and planning permission is granted for a double carport at The Gardens, Savey Lane, Yoxall, Staffordshire DE13 8PD in accordance with the terms of the application, Ref P/2019/01075, dated 23 August 2019.

Procedural Matters

2. My site visit confirmed that the carport which is the subject of the appeal is already in situ. For the purposes of my assessment the proposal is therefore retrospective.
3. The application forms describe the development as 'erection of a new double carport'. Given the development has already taken place, I have removed the superfluous words 'erection of' and 'new' from the description for the purposes of my decision.
4. The appeal form refers to the appellant as being a Mr Barry Yoxall. However, the agent has since confirmed that this is an error and that the appellant's name is Mr B Atkins per the planning application form.
5. The Council's reason for refusal refers specifically to a loss of light in terms of the relationship with the neighbouring dwelling 'The Coach House'. However, the Council's delegated report also refers to concerns in respect of there being an overbearing impact and this is a matter addressed by both parties in their appeal statements. On this basis, I have included an assessment of both outlook and light for occupants of the neighbouring dwelling under the main issue.
6. An additional plan has been provided as part of the appeal submission. This plan seeks to illustrate the relationship of the carport with the neighbouring dwelling, The Coach House. This plan does not alter the details of the development. I have also seen the specific site circumstances for myself from

both sides of the boundary. I am therefore satisfied that no party would be prejudiced by me accepting this plan.

Main Issue

7. The main issue is the effect of the development on the living conditions of the occupants of 'The Coach House' with particular regard to outlook and light.

Reasons

8. The double carport is a single storey timber framed structure with an asymmetrical hipped slate roof and timber cladding to its side and rear elevations. The carport and the dwelling at The Coach House are both set in from the shared boundary. The Coach House has a dining room window to its side elevation facing towards the boundary which is partially offset in relation to the rear elevation of the carport. This is the only window serving this neighbouring room. The Coach House also has a conservatory to its rear elevation, the side elevation of which faces the boundary with the appeal site.
9. Appendix 1 of the East Staffordshire Design Guide Supplementary Planning Document (2008) (SPD) states amongst other things that overshadowing is an important consideration in designing new development and that this is an issue of form and location of buildings. The Council will use a 45-degree angle from the mid-point of the nearest window of a neighbouring building when assessing new developments over single storey height. However, the SPD also confirms that this is not a hard and fast rule and other factors including the design of the new building and nature of the neighbouring window will also be important when considering development proposals.
10. The carport is single storey and therefore the 45-degree rule in the SPD does not apply in this instance. Instead, the specific design of the carport and its relationship with neighbouring windows should be considered when assessing the development against the policies of the development plan.
11. There is a timber fence positioned along the boundary between the appeal site and The Coach House. The rear elevation of the carport sits parallel with the boundary with its eaves height positioned at a lower level than the top of the boundary fence. The main ridge of the carport is set further away from the boundary. Consequently, the mass of the carport is reduced where it sits closest to the boundary. The visible element of the structure from the neighbouring dining room window is largely restricted to the roof slope rising away from the boundary. Space above and either side of the carport is appreciable from the window including the gap between the carport and the garage serving The Coach House. The conservatory at The Coach House is set further away from the development and has additional glazing to the side and rear elevation beyond the glazing that aligns with the carport. In combination, I find that these factors ensure that an acceptable level of outlook and light is retained for the occupants of The Coach House.
12. To conclude, the development retains acceptable levels of outlook and light for the occupants of The Coach House. Consequently, in that regard, the development complies with Policies Strategic Policy 1 (East Staffordshire Approach to Sustainable Development) and Detailed Policy 3 (Design of New Residential Development, Extensions and Curtilage Buildings) of the East Staffordshire Borough Council Local Plan (2015), Policy D2 (Design of New

Development) of the Yoxall Neighbourhood Plan (2015) and the National Planning Policy Framework.

Other Matters

13. I have a statutory duty to consider whether the development affects the setting of the Yoxall Conservation Area (CA), the neighbouring Grade II* Listed St Peter's Church or the Grade II Listed dwelling at The Grange. The Council has not identified any harm to the setting of these heritage assets and from my observations on site, the subservient design, materials incorporated and discreet location of the development preserves the character and appearance of the CA and the setting of the listed buildings.
14. The Parish Council and a third party have raised concerns that planning permission was applied for after the development took place and that a car port was previously omitted from previous planning applications for the dwelling on the appeal site. The retrospective nature of the development has not been material to my assessment of the carport.

Conditions

15. The Council has suggested that should the appeal be allowed a condition confirming the approved plans should be included. Given the development has already been completed in accordance with the submitted drawings, it is sufficient to simply grant planning permission under the terms of the planning application submitted in this instance and no conditions are therefore required.

Conclusion

16. Taking all the above factors into account, the appeal is allowed.

M Russell

INSPECTOR