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## Appeal Decision

Site visit made on 9 June 2020

**by Robert Hitchcock BSc DipCD MRTPI**

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

**Decision date: 15 June 2020**

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**Appeal Ref: APP/X3405/W/20/3246243**

**14 Pinewood Avenue, West Chadsmoor, Cannock WS11 4AZ**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
  - The appeal is made by Mr Kevin Mancicus against the decision of Cannock Chase District Council.
  - The application Ref CH/19/268, dated 17 July 2019, was refused by notice dated 9 October 2019.
  - The development proposed is the erection of one detached dwelling.
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### Decision

1. The appeal is dismissed.

### Procedural Matters

2. The application was submitted in outline including the details of access and layout. I have had regard to the location plan and proposed site plan showing the access point and site layout. I have determined the appeal on that basis.
3. Following the decision of the Council, the appellant has submitted amended drawing which shows the removal of windows serving habitable windows in the ground floor side elevation of 14 Pinewood Avenue. As the proposed alteration would include development that would not materially affect third parties on account of its position to the side of No14, that the application is in outline, that the Council's statement recognises the amendment, and, having had regard to the Wheatcroft Principles, I am satisfied that my consideration of the revised scheme would not cause prejudice to any party. I have proceeded on that basis.

### Main Issues

4. The main issues are the effect of the development on:
  - the character and appearance of the locality; and,
  - the living conditions of residents at 14 Pinewood Avenue, with particular regard to outlook and light.

### Reasons

#### *Character and appearance*

5. The site is located adjacent to the junction of Pinewood Avenue with Boswell Road and Jonson Road where there is a meeting of different residential designs and layout patterns. Save for two detached properties at the southern extent of the road, Pinewood Avenue features aligned pairs of similarly styled two-storey

- semi-detached houses with consistent spacing. These are set behind enclosed front gardens with private amenity spaces to the rear and sides.
6. Boswell Road also features pairs of semi-houses, but with generally closer siting along its length. The majority of Johnson Road and nearby Garrick Road are bordered by semi-detached bungalows with spacious grassed open frontages. To the north of the site, opposite the northern end of Pinewood Avenue, is an island of grassed public open space (POS) bordered by roads. The combination of the POS, open frontages, side gardens and grassed landscape areas, taken with the broad spacing of built development, provide a positive sense of spaciousness about the junction.
  7. The corner plot of No14 is larger than those of the other semis on Pinewood Avenue on account of its enclosed side garden area fronting Boswell Road. The proposal seeks to utilise this side space to erect a detached two storey dwelling and subdivision of the remaining garden area between the proposed dwelling and No14.
  8. The subdivision of the existing plot would result in two plots which would be similar in size to others found in the locality. The dwelling would be set back from the consistent building line on the Pinewood Avenue frontage. Here it would appear recessive in the Pinewood Avenue streetscape and reflect the current relationship of No14 with the Boswell Road frontage. However, due to the close siting to No14, the proposed layout would have little reference to the rhythm or consistency of spacing between two storey development on Pinewood Avenue.
  9. Whilst I acknowledge that rhythm and spacing of development changes at the southern extent of the road in respect of the detached corner dwellings, these properties benefit from more spacious settings in large plots. Additionally, they retain a set-back position from the adjacent development on Cemetery Road to retain the openness of the corners about that junction.
  10. Conversely, the proposed siting of the dwelling would result in about half of its width lying forward of the building line on the southern side of Boswell Road. Despite small steps within the existing row of development, the proposal would project forward significantly. This would be emphasised due to the distance between the proposed development and 2 Boswell Road. Accordingly, it would fail to reflect the current layout of development fronting that road.
  11. The forward position of the dwelling at the junction would create an overtly prominent form of development on approach along Boswell Road, Johnson Road and the roads to the north. Here it would jar with the spacing and layout of houses in the adjacent streets causing it to appear intrusive against their type characteristics.
  12. Furthermore, the proposal would impose on the open character and spacing of development about the POS. Whilst the size of the open area and corner plots may limit the sense of scale of the development, it would, by the same token, emphasise its disparity due to its close position to the edge of the highway. The encroachment into the characteristic open spaces of the corner plots of Pinewood Avenue and those fronting the POS would contrast with the prevailing character of development in the locality. This is despite the variation of development on the approaches to it.

13. In support of the appeal, the appellant has drawn my attention to other examples of corner plot development within the town. In the absence of full details of those cases within the evidence, I am unable to ascertain the exact circumstances of those decisions and draw comparisons or conclusions from them. Moreover, the existence of development elsewhere does not represent an appropriate reason to find in favour of a proposal that would cause harm in this case, a case which I have considered on its own merits.
14. For the above reasons, the proposed development would conflict with Policy CP3 of the Cannock Chase Local Plan (Part 1) (2014) (LP) which seeks that development complements and enhances the character and appearance of the local area, including its layout.

#### *Living conditions*

15. No14 currently has ground floor windows serving habitable rooms on its northern elevation. The close siting of the proposed building to No14 would result in a narrow gap between the buildings and overlap the side-facing windows. The effect would be to substantially obscure outlook from the existing side windows and result in an overbearing form of development to occupiers using that part of the existing dwelling. In addition, ambient daylight would be restricted due to the siting and scale of the proposal.
16. Although only partial detail is available on account of the outline nature of the appeal, I saw that the majority of dwellings in the locality do not rely on side-facing windows to achieve outlook and lighting of ground floor rooms within. No14 benefits from rear-facing openings such that outlook and daylight could be retained. I am therefore satisfied that alterations to the existing dwelling could be made to maintain a suitable standard of living conditions at No14 and could be secured by planning condition.
17. For the above reasons, I conclude that the development could be made acceptable in regard to maintaining a suitable standard of living conditions for the occupiers of No14. The development would therefore be consistent with the aims of Policy CP3 of the LP and the Framework as they seek to protect the amenity enjoyed at existing properties.

#### **Conclusion**

18. Whilst I have found in favour of the appellant with regards to the matter of the effect of the proposal on living conditions, I do not consider this would outweigh the identified harm in relation to the character and appearance of the locality. I therefore conclude that the appeal should be dismissed.

*R Hitchcock*

INSPECTOR