



Appeal Decision

Site visit made on 24 August 2020

by Alison Partington BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 1st September 2020

Appeal Ref: APP/P3420/W/20/3250272

Cross Winds, Tomfields, Woodlane, Newcastle Under Lyme ST7 8PJ

- 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 M and Mrs R Dowler against the decision of Newcastle-Under-Lyme Borough Council.
 - The application Ref 20/00002/FUL, dated 2 January 2020, was refused by notice dated 4 March 2020.
 - The development proposed is a residential development consisting of 2 No. detached dormer bungalows.
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Decision

1. The appeal is allowed and planning permission is granted for a residential development consisting of 2 No. detached dormer bungalows at Cross Winds, Tomfields, Woodlane, Newcastle Under Lyme ST7 8PJ in accordance with the terms of the application, Ref 20/00002/FUL, dated 2 January 2020, subject to the conditions set out in Annex A.

Main Issue

2. The main issue in the appeal is the effect of the development on the character and appearance of the area.

Reasons

3. The appeal site is a plot of land located to the front of Cross Winds, a large detached bungalow. Although presumably originally part of an extensive front garden to this property it is now fenced off, overgrown and separate to it.
4. The surrounding area is residential in nature. Whilst Cross Winds and the 3 properties to the south are large properties set a considerable distance from the road, the next house beyond these virtually abuts the pavement. To the north of the site is a row of terraced houses that are perpendicular to the other properties on Tomfields. These are all located in front of the main elevation of Cross Winds. On the opposite side of the road is a mixture of houses and bungalows with modest front gardens. The wide variety in house types, age, design and architectural detailing adds to the fact that the road has little consistency in its character and appearance.
5. Although the two proposed dwellings would be located closer to the road than the properties immediately to the south of the site, their position in relation to the road would be similar to many other properties on the road and so would not seem out of keeping. The relationship between the proposed bungalows

and Highfields would be no more incongruous than that between No 5 and The Briars.

6. The tall vegetation in the front gardens of these adjacent properties, much of which is coniferous, would restrict views of the proposed dwellings when approaching from the south to the short range, and would ensure they were not overly dominant features in the street scene. In the views that are possible from this direction they would be seen against the backdrop of the row of terraced housing, which would project further to the east than the proposed dwellings.
7. Some views from the north would be restricted by the terraced housing, but where views of the dwellings would be possible the backdrop of the host and the adjacent property, or the vegetation in the front garden of Highfields, would mean the dwellings would not be prominent or incongruous features.
8. Given that there are a number of bungalows and dormer bungalows within the immediate vicinity, I am satisfied the design and type of the dwellings would not be out of character. Whilst the proposed plot sizes and space between the dwellings would be much less than the adjacent properties to the south, given the presence of the terraced properties to the north, which have limited space to the front or the rear, and the denser development on the other side of the road, they would not be out of keeping.
9. Whilst the Rural Environment section of the *Newcastle-Under-Lyme and Stoke-on-Trent Urban Design Guide (adopted December 2010)* (UDG) seeks to avoid the erosion of front gardens, this area is no longer forming an active part of the front garden to Cross Winds. As such, the front garden area of this property would be unaltered. Moreover, both the proposed dwellings would be provided with front gardens that would allow for both off-road parking and landscaping. The size of these areas would not be dissimilar to other front gardens in the area and the landscaping would make a positive contribution to the street scene.
10. Therefore, I consider that the proposal would not harm the character and appearance of the area. Accordingly, there would be no conflict with Policy CSP1 of the *Newcastle Under Lyme and Stoke on Trent Core Spatial Strategy 2006-2026 (adopted Oct 2009)* or Policies R3, R12, RE2, RE3 and RE5 of the UDG which require developments to be well designed and respect and respond to the character and identity of the area and the typical forms of buildings.

Conclusion and Conditions

11. For the reasons set out above, I conclude the appeal should be allowed.
12. As well as the standard implementation condition, to provide certainty it is necessary to define the plans with which the scheme should accord. In the interests of the character and appearance of the area conditions to control the external appearance of the development and the landscaping of the site are necessary. However, I have amended the suggested wording of the landscaping condition to take account of the fact that there are no trees on the site at present.
13. For highway safety reasons conditions are required to ensure the provision and retention of the access and parking areas and to prevent the junction of the access and the highway being gated. To protect the living conditions of nearby

residents, a condition to control the hours of construction is necessary. To promote sustainable means of transport a condition to ensure the provision of electric vehicle charging points is necessary.

14. In the interests of the safety and stability of the development conditions are necessary to ensure site investigations are carried out before the development commences and, if necessary, to outline how land instability issues would be dealt with. These need to be pre-commencement conditions as they may affect the design and construction of the scheme. In accordance with Section 100ZA of the Town and Country Planning Act 1990, the appellant has provided written agreement to the pre-commencement conditions.
15. Where necessary and in the interest of precision and enforceability I have reworded the suggested conditions.

Alison Partington

INSPECTOR

Annex A

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 and Block Plan Drg No JPK/19/4386/OS; Survey – As Existing Drg No JPK/19/4386/1; Site Plan Drg No JPK/19/4386/2; Plot1 Drg No JPK/19/4386/3; and Plot 2 Drg No JPK/19/4386/4.
- 3) No development above ground level shall commence until details of the materials to be used in the construction of the external surfaces of the dwellings hereby permitted have been submitted to, and approved in writing by, the local planning authority. Development shall be carried out in accordance with the approved details.
- 4) No dwelling hereby permitted shall be occupied until a landscaping scheme has been submitted to, and approved in writing by, the local planning authority. All planting, seeding or turfing comprised in the approved landscaping scheme shall be carried out in the first planting and seeding seasons following the first occupation of the development or the completion of the development, whichever is the sooner; and any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.
- 5) No dwelling hereby permitted shall be occupied until the access, parking and turning areas have been provided in accordance with Drg No JPK/19/4386/2 and these shall thereafter be retained for the life of the development.
- 6) The access shall remain ungated at the junction with the highway
- 7) Construction works which are audible beyond the site boundary, including deliveries, ground works and earth movements, shall take place only between 08:00 – 18:00 hours on Monday to Friday and 08:00 – 13:00 hours on Saturday, and construction works shall not take place at any time on Sundays or on Bank or Public Holidays.
- 8) The dwellings hereby permitted shall not be occupied until at least 1 parking space per dwelling has been provided with a fully operational dedicated electric vehicle charging point. All other parking spaces shall be provided with passive wiring to allow future charging point connection. Charge points shall be a minimum of 32Amp with Type 2 Mennekes connections Mode 3 (on a dedicated circuit), or equivalent.
- 9) No development shall commence until intrusive site investigations have been carried out on site to establish the exact situation in respect of coal mining legacy features. The findings of the intrusive site investigations shall be submitted to, and approved in writing by, the local planning authority prior to the commencement of development. The intrusive site investigations shall be carried out in accordance with the relevant authoritative UK guidance.

- 10) Where the findings of the intrusive site investigations (required by condition 9 above) identify that coal mining legacy on the site poses a risk to surface stability, no development shall commence until a detailed remediation scheme to protect the development from the effects of such land instability has been submitted to, and approved in writing by, the local planning authority. Following approval, the remedial works shall be implemented on site in complete accordance with the approved details.