



Appeal Decision

Site visit made on 1 September 2020

by Robert Hitchcock BSc DipCD MRTPI

an Inspector appointed by the Secretary of State

Decision date: 21 September 2020

Appeal Ref: APP/M3455/W/20/3249013

118 and 120 Ashford Street, Shelton, Stoke-on-Trent ST4 2EN

- 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 Sunshine Endeavours Limited against the decision of Stoke-on-Trent Council.
 - The application Ref 64957/FUL, dated 28 January 2020, was refused by notice dated 4 March 2020.
 - The development proposed is the erection of a single storey rear extension to the rear of 118-120 Ashford Street (part retrospective).
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Decision

1. The appeal is allowed and planning permission is granted for a single storey rear extension to the rear of 118 and 120 Ashford Street, Shelton, Stoke-on-Trent ST4 2EN in accordance with the terms of planning application Ref. 64957/FUL dated 28 January 2020 subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.

The development hereby permitted shall be carried out in accordance with the following approved plans: Proposed Block Plan ref: 4657 PL-03B; and, Proposed General Arrangement Plans and Elevations ref. 4657 PL-06B.
 - 2) No use or occupation of the extension hereby permitted shall take place until the side boundary treatment of each dwelling (2.0m high timber fencing) shown on approved plan ref. 4657 PL-06B, has been fully completed. The fences shall be retained in accordance with the approved plans for the duration of the development.

Preliminary Matters

2. At the time of my site inspection a combined single storey extension had been erected at the above addresses. That development is subject to enforcement action by the Council and an appeal to be considered by others. This does not affect my consideration of the proposals before me which I have considered on their own merits.
3. The appeal scheme is a proposal to vary the existing development but incorporate parts of the existing extensions within it. For the avoidance of doubt, this appeal is determined on the basis of the plans as submitted with planning application Ref. 64957/FUL.

Application for costs

4. An application for costs was made by Sunshine Endeavours Limited against Stoke-on-Trent Council. This application is the subject of a separate Decision.

Main Issues

5. The main issues are the effect of the proposed development on:

- the character and appearance of the locality;
- the living conditions of neighbouring residents with particular regard to outlook; and,
- the living conditions of prospective occupiers with particular regard to outlook, daylight and the extent of outdoor amenity space.

Reasons

Character and appearance

6. The site consists of two adjoining mid-terrace properties within an area of predominantly long terraces set immediately to the rear of the pavements about a gridwork of estate roads. The individual properties on the terrace frequently have original rearward 1 and 2 storey projections, many of which have seen various forms of subsequent alteration. The site backs on to an open private access road contained within part of the grounds of Stafford University.
7. The proposal would utilise a flat roof construction that would be at odds with the building's original character and that of the mono-pitched roofs of the original terrace. This would conflict with the guidance within the Newcastle-under-Lyme and Stoke-on-Trent Urban Design Guidance SPD (2010)(SPD) that advocates that the form and design of proposed extensions must be well considered and complement the existing building.
8. However, the variation of additions to the rear of the terrace are significant. Examples of both 1 and 2 storey additions with a diversity of roof types and pitches, including examples of flat roofs, are present. These cannot be viewed from within the streetscene but when viewed from the rear, they appear haphazard such that any consistency or regularity of the projecting forms of development has been significantly diminished.
9. It is in this context that only the upper parts of the walls and eaves line of the extension would be seen above the existing high fence and hedgerow to the rear, and the proposed fences to the side boundaries. Accordingly, it would have little effect on the predominant character and appearance of development in the locality. It would not, therefore, be harmful to that character and appearance and the proposal would be consistent with the requirements of Policy CSP1 of the Newcastle-under-Lyme and Stoke-on-Trent Core Spatial Strategy (2006-2026) (CS) and the National Planning Policy Framework (the Framework) as they seek to secure development that respects the character and context of their townscape.

Living conditions -neighbouring occupiers

10. The rearward projection of the extension, when taken with the eaves height stated as 3.21m by the appellant, would result in a side elevation that has a greater visible area than that of the observable neighbouring examples. Additionally, this would be sited closer to the common boundaries than those examples, albeit to a marginal extent.
11. The effect of the proposal would be to cause a slight reduction in the openness of the outlook experienced from the kitchen and rear living room windows of the adjoining properties at 116 and 122 Ashford Street. However, the extension would not appear overbearing due to the modest height and the separation provided by

the intervening yard areas. Furthermore, this arrangement of development would be comparable to other forms of development in the locality, particularly those instances where single storey projections have been replaced to provide additional living accommodation.

12. For the above reasons, I find that the proposal would retain a suitable standard of living conditions for the occupiers of the neighbouring dwellings. It would therefore be consistent with Policy CSP1 of CS, the Framework and guidance within the SPD as they seek to secure designs of development that contribute to healthy lifestyles and high standards of amenity for existing users.

Living Conditions – Prospective Occupiers

13. The proposal would provide an additional bedroom and utility room to the rear of the existing kitchens of the respective dwellings. The rooms would each be served by a single window, that, for the utility rooms, would be fitted with obscure glazing. Notwithstanding the distance from the proposed 2.0m fence lines along the rear side boundaries, the side facing bedroom windows would benefit from a reasonable amount of daylight and some direct sunlight on account of the near-south orientation of the rear of the terrace. The light levels would be similar to those experienced within the corresponding kitchen and living rooms which are recessed further within the sites and flanked by two-storey forms of development.
14. However, much of the outlook from the bedrooms would be dominated by the proposed fences at close quarters. Whilst sky views would be available above and to the rear of the backdrop of the existing single storey elements of the neighbouring properties, this would provide a poor standard of living accommodation for the respective occupier's outlook.
15. In regard to the level of outdoor amenity space, this would be reduced from the original area by about 20-25% and be substantially limited to a single narrow strip of patio alongside the rearward projecting extension. An additional narrow area to the rear could be utilised for cycle storage.
16. The submitted plans show the area as being capable of providing sitting out facilities, bin storage and a limited amount of circulation space. However, the reduction in width and substantial removal of the area to the rear part of the yard would limit its amenity value. Alongside the increase in occupancy and hemming-in by the higher boundary treatments, this would create a poor standard of outdoor amenity space harmful to the living conditions of the prospective occupiers.
17. For those reasons, I find that the proposed development would conflict with Policy CSP1 of the CS, the Framework and guidance within the SPD, as they seek to secure designs of development that contribute to healthy lifestyles and high standards of amenity for future users.
18. In support of the appeal, the appellant has drawn me to the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (GPDO) particularly, with regard to single-storey rear and side extensions. The Council accept that it would be possible for development under the GPDO to take place to provide additional bedroom accommodation with a similar arrangement but retain greater amounts of external amenity space.
19. Without prejudice to the outcome of any enforcement proceedings currently being undertaken by the Council, I agree with the Council, that a realistic fallback position exists. In the event that the Council's requirement to remove the existing development is upheld, I find that the alternative of an extension constructed under the terms of the GPDO would be a credible and realistic outcome. This would

be consistent with the consecutive attempts by the appellant to achieve additional living space, as demonstrated by the recent planning history for each site.

20. The appellant's evidence demonstrates that the provisions of the GPDO would enable similar degrees of extension to the properties albeit with a small variation in its arrangement. This could include clear glazed, side-facing windows in a similar position to those proposed, and a degree of extension to facilitate an additional bedroom that would reduce the amount of corresponding outdoor amenity space available. Although, this might not be to the exact same extent, the difference would be marginal to the point that any effect on living conditions with regard to outlook or arising from the availability of amenity space would be negligible. This is a matter to which I attach moderate weight.
21. Furthermore, the appellant's evidence indicates that the level of amenity space provided would be comparable to a significant number of other properties in the locality. I note the appeal cases referred to by the Council in this respect and refused planning applications for similar types of development. However, there are differences in each case, including, for example, greater levels of occupancy, extension to the boundaries, or, outdoor amenity space located alongside two-storey development. The circumstances of the cases are therefore not directly comparable to that before me, a case I have considered on its own merits. Accordingly, these decisions are of limited weight.
22. I have found that the proposals would result in a poor standard of outlook for occupiers of the proposed bedrooms and the amount of outdoor amenity space available to the increased number of occupants of each dwelling would be limited. However, it is a well-established¹ principle that the provisions of the GPDO may provide a fallback position. I have found that, in the specific circumstances of the case, there is a real prospect of a development under the GPDO taking place and that it would lead to a similar outcome. I find that a strong justification in the context of Paragraph 38(6) of the Planning and Compulsory Purchase Act 2004 exists and provides clear justification for departing from the development plan in this case.

Conditions

23. I have considered the suggested conditions from the Council and had regard to Paragraph 55 of the Framework and the National Planning Practice Guidance in terms of the use of planning conditions. In addition to the standard condition limiting the lifespan of the planning permission, I have imposed a condition specifying the relevant drawings as this provides certainty.
24. To safeguard the living conditions of neighbouring occupiers, a condition requiring erection and retention of the proposed boundary fencing is necessary.

Conclusion

25. For the above reasons, the appeal should be allowed.

R Hitchcock

INSPECTOR

¹ Mansell v Tonbridge and Malling BC & others [2017] EWCA Civ 1314