



Appeal Decision

Site visit made on 22 September 2020

by Robert Hitchcock BSc DipCD MRTPI

an Inspector appointed by the Secretary of State

Decision date: 25 September 2020

Appeal Ref: APP/P3420/W/20/3255079

12 Chapel Lane, Mow Cop, Stoke-on-Trent ST7 3NA

- 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 & Mrs Robotham against the decision of Newcastle-Under-Lyme Borough Council.
 - The application Ref 19/00766/OUT, dated 19 August 2019, was refused by notice dated 8 January 2020.
 - The development proposed is a single dwelling.
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Decision

1. The appeal is allowed and planning permission is granted for a single dwelling at 12 Chapel Lane, Mow Cop, Stoke-on-Trent ST7 3NA in accordance with the terms of planning application Ref 19/00766/OUT, dated 19 August 2019, subject to the conditions set out in a schedule at the end of this decision.

Procedural Matter

2. The application was submitted in outline with all matters reserved. I have determined the appeal with regard to the location plan and an indicative site layout plan.

Main Issues

3. The main issue is the effect on the character and appearance of the locality.

Reasons

4. 12 Chapel Bank is a vernacular stone-built property located alongside a large chapel building and another stone cottage of some historic merit. The site forms part of an uncharacteristically large L-shaped rear garden to no12 that, along with the older group of buildings has been bordered by later phases of residential development. The surrounding properties vary in their age and style, including bungalows and two-storey dwellings; some are individually designed whilst others have shared design characteristics.
5. The site is positioned between the rows of properties fronting Chapel Bank and Hillside Close. Access would be provided along a short track which also serves 10 Chapel Bank and as a public right of way (footpath No113) which links the two road frontages.
6. The plot is similar in width and depth to that of several of the adjacent bungalow plots. Accordingly, it would be equally capable of providing spacious landscaped gardens and parking facilities about a dwelling in a manner consistent with the majority of bungalows on Hillside Close and the close part

of Chapel Bank. The retained garden to serve no12 would remain larger than most of those in the immediate vicinity.

7. Subject to appropriate scaling and orientation, a dwelling could be accommodated and designed to assimilate with surrounding property types. Located within an unusually large plot within the grouping, the development would reflect the adjacent density of later development on Hillside Close and share their plot characteristics.
8. Although the proposal would appear as a backland form of development between the consecutive rows of houses, it would reflect the residential character of development about the historic group of buildings. In the context of the wider diversity of housing types and the variation at the interface of old and new development, it would make effective use of the land without significant effect on the character and appearance of the local townscape.
9. For those reasons, I find that 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, and guidance within the Newcastle-under-Lyme and Stoke-on-Trent Urban Design Supplementary Planning Document (2010) as they seek development to contribute positively to an area's identity and heritage in terms of density and layout, and respect the character and appearance of the townscape.

Other Matters

10. I note other matters raised by other parties and I consider the main points here before moving to a conclusion.
11. The proposed development would encroach into an area associated with no12 and the historic arrangement of development near the chapel building. However, this would be in a manner which reflects the pattern of later development about the historic grouping. I therefore find it would have a neutral effect on the importance of those buildings and protect their setting and townscape context.
12. I acknowledge the concerns with respect to the proposed use of the access track and potential for conflict with pedestrian users, particularly during the construction phase of the development. Given the site's location and the surfacing of the track these are matters of significance. Whilst any effects from the construction period would be short-term and could be mitigated by careful construction management, protection of existing use through appropriate and timely surface management could be conditioned.
13. The effect on the living condition of neighbouring occupiers is a matter for assessment through consideration of reserved matters. Nevertheless, the Council has indicated that the residential development of the site could be accommodated without harm to the living conditions of neighbours. Having visited the site and had regard to the submitted plans, this is a conclusion I agree with.
14. Concerns have been raised by a third party in respect of the former landscape value of the site and use by local wildlife. However, the prior clearance of development sites which are unconstrained by other legislative restrictions is not a matter to which I am able to attribute significant weight.

15. Land ownership is not a relevant factor in the consideration of the development proposal.

Conditions

16. The Council have suggested conditions which I have considered alongside the advice in the National Planning Policy Framework and Planning Practice Guidance. I find them to be reasonable and necessary in the circumstances of this case. However, some have been edited for precision and clarity.
17. In addition to the standard requirements to seek approval of reserved matters and time limitations for implementation, I have imposed a condition specifying the relevant drawing as this provides certainty.
18. To protect the character and appearance of the locality, conditions requiring details of site levels and a restriction to limit the development to a single storey are necessary. To protect highway safety and local living conditions, conditions to secure suitable access, parking and construction arrangements are also necessary. To promote low carbon forms of transport, electric vehicle charging provision is required.

Conclusion

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

R Hitchcock

INSPECTOR

Schedule of conditions to planning permission 19/00766/OUT

- 1) Details of the access, appearance, landscaping, layout, and scale, (hereinafter called "the reserved matters") shall be submitted to and approved in writing by the local planning authority before any development takes place and the development shall be carried out as approved.
- 2) Application for approval of the reserved matters shall be made to the local planning authority not later than 3 years from the date of this permission.
- 3) The development hereby permitted shall take place not later than 2 years from the date of approval of the last of the reserved matters to be approved.
- 4) The development hereby permitted shall be carried out in accordance with the 1:1250 Location plan (submitted 03/12/2019).
- 5) Details of the existing and proposed land levels shall be submitted to the local planning authority as part of the layout reserved matters application. This shall include sections through the site.

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- 6) The dwelling hereby approved shall be a maximum of one storey in height.
- 7) No development hereby approved shall take place until full details of the following have been submitted to and approved in writing by the local planning authority:
- means of access;
 - layout of the site including disposition of buildings and provision of parking and turning within the site curtilage;
 - surfacing materials for the access drive, parking and turning areas; and,
 - means of surface water drainage for the access drive, parking and turning areas.

The development shall thereafter be implemented within an agreed timescale in accordance with the approved details.

- 8) No development hereby approved shall take place until a Construction Management Plan (CMP) has been submitted to and approved in writing by the local planning authority. The approved CMP shall be adhered to throughout the construction period and shall provide for:
- i. a site compound with associated temporary buildings;
 - ii. the parking of vehicles for site operatives and visitors;
 - iii. the loading and unloading of plant and materials;
 - iv. storage of plant and materials used in constructing the development;
 - v. measures to prevent the deposition of deleterious material onto the highway.
- 9) Prior to the first occupation of the development hereby permitted at least 1 parking space must be provided with a fully operational dedicated electric vehicle charging point and thereafter be retained unless otherwise agreed by the local planning authority. 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 2 (on a dedicated circuit), or equivalent.
- 10) Construction activities which are audible beyond the site boundary, including deliveries, ground works and earth movements, shall be restricted to the following days and times:
- 08:00 - 18:00 Monday to Friday
- 08:00 - 13:00 Saturday
- Construction shall not be undertaken on a Sunday or on a public holiday.

End of schedule.