



Appeal Decision

Site Visit made on 9 November 2020

by Rachel Walmsley MSc, MA, BSc, MRTPI

an Inspector appointed by the Secretary of State

Decision date: 26 November 2020

Appeal Ref: APP/Y3425/W/20/3258217

Burley Cottage, Clayalders Bank, Standon, Stafford ST21 6RG

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a failure to give notice within the prescribed period of a decision on an application for planning permission
 - The appeal is made by Mr & Mrs N Blackburn against Stafford Borough Council.
 - The application Ref 20/32185/HOU, is dated 16 April 2020.
 - The development proposed is extension to existing cottage.
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Decision

1. The appeal is dismissed.

Procedural matter

2. The appeal was submitted on the basis of the failure of the Council to determine the planning application within the prescribed period. The Council has submitted an appeal statement which sets out its objections. As this concerns the matters of dispute with the appellant, it forms the basis of the main issue in this case.

Main Issue

3. This is the effect of the proposal on the character and appearance of the area.

Reasons

4. As both parties acknowledge, the development would be in excess of the 70% referred to in policy C5 of the Local Plan (2014). In this policy, an allowance is made for additions that are more than 70% of the dwelling as originally built if the design and appearance of the proposed extension is proportionate to the type and character of the existing dwelling and the surrounding area.
5. In this case, the existing dwelling is a modestly proportioned building with a style that complements its rural location. Indeed, the house is referred to as a cottage which upholds this point. The mass of the development and its modern fenestration would be overly dominant in relation to the original property which in turn, would be harmful to the more traditional and genteel style and proportions of the existing house. As such, the development would appear overly dominant and incongruous and therefore would be out of keeping with the bucolic character of the host property and surrounding area.

6. As in the case studies presented by the appellant, a contrast in fenestration and in materials, such as render and timber, can combine due deference with modern identity. Furthermore, set-backs can create a degree of subservience. However, in the case of the appeal proposal, given its undue scale, the contrasting materials and contemporary appearance would emphasize the harm found and the set-backs would not mitigate the harm relating to scale and mass.
7. Glazing on the south-east elevation would create some subservience between the host property and the development proposed. However, the effect of this on the overall character and appearance of the development would be limited, particularly given its position at the rear of the host property.
8. On the matter of scale, it appears that the Council alluded to a development in excess of the 70% referred to in policy as being acceptable. I share some sympathy with the appellant that despite the amendments made to an earlier scheme and the reductions in size, permission was not granted. However, the advice given by the Council would have been given without prejudice to the Council's final decision. In any event, it falls to me to assess the merits of the development proposed and in light of my findings, I find harm as described.
9. It seems from the planning applications referred to me by the appellant that the Council have allowed development in excess of the 70% threshold. Whilst these developments preceded current policy, the essence of policy C5 was the same as it is now. I am not convinced from the Council's evidence that these examples are wholly different from the appeal proposal. That said, differences in site layout and context alone make for unfair comparisons. Whilst I appreciate the apparent unfairness in decisions, even if I was to give favourable weight to these cases, they do not justify development in another area of the borough which would be harmful. In any event, I have determined this appeal on its own merits.
10. And so, when taking all matters into account, I find that the development would be overly dominant and incongruous with a harmful effect on the character and appearance of the host property and surrounding area. Consequently, the development would be contrary to policies C5, N8 and N1 of the Local Plan (2014) which seek, amongst other things, to respect, preserve and enhance the character and appearance of the area and landscape setting.

Other matter

11. It is not within the remit of this appeal to comment on the Council's handling of the application and matters thereafter. Any grievances the appellant has in this regard should be directed to the Council.

Conclusion

12. For the reasons given above I conclude that the appeal should be dismissed.

R Walsley

INSPECTOR