



Appeal Decisions

Site visit made on 6 January 2021

by M Russell BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 12 February 2021

Appeal A Ref: APP/K3415/W/20/3260281

8 Blythe View, Litchfield Road, Hamstall Ridware, Rugeley WS15 3QG

- 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 J Greenway against the decision of Lichfield District Council.
 - The application Ref 20/00674/FUL, dated 28 May 2020, was refused by notice dated 7 September 2020.
 - The development proposed is erection of 1no. detached 4-bedroom dwelling with associated landscaping.
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Appeal B Ref: APP/K3415/W/20/3260282

8 Blythe View, Litchfield Road, Hamstall Ridware, Rugeley WS15 3QG

- 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 J Greenway against the decision of Lichfield District Council.
 - The application Ref 19/01744/FUL, dated 17 December 2019, was refused by notice dated 13 May 2020.
 - The development proposed is erection of 1no. detached 4-bedroom dwelling with associated landscaping.
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Procedural Matters

1. As set out above, there are two appeals on this site. Whilst the planning history of the site is relevant to the consideration of both proposals, I have considered each proposal on its own individual merits. However, to avoid duplication I have dealt with the two appeals together, except where otherwise indicated.
 2. The proposals have been screened in accordance with the Environmental Impact Assessment (EIA) Regulations 2017. It has been concluded that the development proposed would not be of a scale and nature likely to result in a significant environmental impact and EIA is therefore not required.
 3. The appeal site lies within the 15km zone of influence of the Cannock Chase Special Area of Conservation (SAC). The Conservation of Species and Habitats Regulations 2017 (the Habitats Regulations) require the Competent Authority to consider whether or not the proposal could adversely affect the integrity of the protected site, either alone or in combination with other plans and projects. This responsibility falls to me in the context of these appeals.
 4. The Council undertook an appropriate assessment (AA) which recognised that the development would result in a net increase of residential dwellings within
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the 15km zone of influence of the SAC. This would be likely to have an adverse in combination effect on the integrity of the SAC due to an increase in recreational disturbance as a result of the development.

5. Strategic Access Management and Monitoring Measures (SAMMM) have been agreed with Natural England (NE). The SAMMM recognises that the majority of visitors to the SAC from within the 0-15km zone of influence arise from the 0-8km zone surrounding the SAC. Therefore, the approach agreed through the SAMMM is to require mitigation payment per net residential dwelling from all new development within the 0-8km 'zone of payment'.
6. In the circumstances NE have agreed with the Council's conclusions that as the development lies within the 8-15km 'non payment zone' and will not significantly alter the scale of development currently planned for within the 0-15km zone of influence, a financial contribution is not required in this instance. Any likely significant effects to the SAC can be avoided or mitigated by financial contributions provided by developments in the 0-8km zone of payment. Therefore, measures are in place to ensure that the development does not harm the integrity of the SAC and it has not been necessary to consider this matter in any further detail.

Decisions

Appeal A – Ref: APP/K3415/W/20/3260281

7. The appeal is allowed and planning permission is granted for erection of 1no. detached 4-bedroom dwelling with associated landscaping at No 8 Blythe View, Litchfield Road, Hamstall Ridware, Rugeley WS15 3QG, in accordance with the application Ref. 20/00674/FUL, dated 28 May 2020, subject to the 9 conditions listed in the attached schedule.

Appeal B – Ref: APP/K3415/W/20/3260282

8. The appeal is dismissed.

Main Issue

9. The main issue in respect of both appeals is the effect of the proposal on the character and appearance of the area.

Reasons

10. Litchfield Road is predominantly characterised by linear development within a semi-rural setting. There are a mix of dwelling types on Litchfield Road including bungalows and two-storey dwellings more often set back from front boundaries. Whilst there are a range of architectural styles and facing materials incorporated, dwellings are generally of traditional form and appearance. No 8 Blythe View is a semi-detached dwelling and sits within a row of similar dwellings. The appeal site relates to part of the gardens serving No 8. This land currently provides a gap between the dwelling at No 8 and the neighbouring two-storey semi-detached dwelling at No 10 Litchfield Road. There are a mix of facing materials utilised on dwellings along Litchfield Road including grey render, brickwork and dark stained cladding.

Appeal A

11. As the proposal is for a single detached dwelling, it would be narrower than the pairs of semi-detached dwellings that it would sit between. However, the roof form and the position of the front elevation of the dwelling would align closely with those of the neighbouring dwellings in the row. Gaps would be retained between the neighbouring dwellings to either side. Therefore, even accounting for its elevated position relative to the highway, the scale and form of the dwelling would sit comfortably within the row of dwellings to this side of Litchfield Road.
12. The drawings provided indicate that natural timber cladding would be applied to the elevations of the dwelling. I noted the dark timber cladding applied to some of the bungalows on Litchfield Road. However, these dwellings are on the opposite side of the road to the appeal site and are relatively understated in terms of their presence within the street scene. A two-storey natural timber clad building would contrast significantly from the brickwork and render finishes applied to the neighbouring dwellings to either side of the site and would appear incongruous within the street. However, the appellant has agreed to a condition being applied should planning permission be granted requiring precise details of a brick or render finish to be submitted and agreed. Such a finish would better assimilate the proposal into its immediate surroundings.
13. To conclude, subject to appropriate facing materials being agreed, the development would have an acceptable effect on the character and appearance of the area. In that regard the proposal would comply with those aims which seek to protect character and appearance in Policies CP3 (Delivering Sustainable Development) and BE1 (High Quality Development) of the Litchfield District Local Plan Strategy (LPS) (2015), the Litchfield District Council Sustainable Design Supplementary Planning Document (SPD) (2015) and the National Planning Policy Framework (the Framework).

Conditions

14. Draft conditions were set out in the report to the Council's Planning Committee and I have taken these into consideration. In addition to the standard timescale for implementation, a condition confirming the approved drawings is reasonable and necessary in the interests of certainty.
15. Condition (3) relates to the aforementioned requirement for external materials to be first agreed with the Council. I have included a requirement for details of the chimney and flue to be submitted within the same condition. Condition (4) is reasonable and necessary to ensure the opportunities for biodiversity net gain, as highlighted within the appellant's Preliminary Ecological Appraisal, are further explored and where possible incorporated into the development. Condition (5) incorporates details of hard and soft landscaping including site levels, boundary treatments and surface water drainage into one condition given these matters would be inextricably linked. Condition (6) relates to the Highway Authority's suggested condition requiring details of visibility splays to be approved. It is reasonable in the case of all of these conditions that details are submitted to and approved by the Council prior to any development beyond slab level taking place to ensure a comprehensive approach is taken in the

- interests of the character and appearance of the area, the provision of appropriate drainage, the enhancement of biodiversity and highway safety.
16. Condition (7) requires any planting that dies or is lost within 5 years of being planted be replaced in the interests of ensuring the development is of an acceptable appearance.
 17. Condition (8) requires the windows in the southern elevation to be obscure glazed with any opening parts being a minimum 1.7m above the respective internal floor level. This is reasonable and necessary in the interests of protecting the privacy of occupiers of the dwelling at No 10 Litchfield Road.
 18. Paragraph 017 of the Planning Practice Guidance confirms that conditions restricting the future use of permitted development rights may not pass the test of reasonableness or necessity. I am not persuaded by the evidence before me that removal of permitted development rights to the extent suggested in the Council's report would be reasonable or necessary on the grounds of appearance, particularly given I am not aware that neighbouring properties are under the same restrictions. However, the development would project past the two-storey rear elevations of its immediate neighbours and the provision of further extensions beyond this would have the potential to be harmful to neighbouring living conditions. Therefore, it is reasonable that I attach Condition (9) removing permitted development rights under Schedule 2 Part 1 Class A of the Town and Country Planning General Permitted Development Order (2015).

Appeal B

19. As with the proposal in Appeal A, the scale of the dwelling would be similar to neighbouring dwellings. However, in this instance the dwelling would incorporate a front projection with an asymmetrical gabled roof. An aluminium box frame window would sit within the first-floor front elevation and would partially extend beyond the roofline of the front projecting element. These features of the design would appear particularly at odds, and would sit uncomfortably alongside, the roof forms and more traditional fenestration on the immediate neighbouring dwellings. The incongruity of the development would be further emphasised by the larch cladding to the elevations and standing seam zinc roof, both of which would appear discordant with the predominantly brick, render and tile finishes applied to neighbouring two-storey dwellings.
20. The appellant contends that gables are a feature of the area. However, from the evidence before me and what I saw on site, the asymmetrical design of the gable with a protruding box framed window would not be in keeping with the predominantly traditional characteristics of the area.
21. To conclude, the development would have a significantly harmful effect on the character and appearance of the area. In that regard, it would conflict with the aims which seek to protect character and appearance in Policies CP3 (Delivering Sustainable Development) and BE1 (High Quality Development) of the LPS, the SPD and the Framework.

Other Matters

22. Paragraph 38 of the Framework includes amongst other things that decision-makers at every level should seek to approve applications for sustainable development where possible. One of the overarching objectives for achieving sustainable development in the Framework is 'environmental'. Given the Council's conclusions on the effect of the proposals on the character and appearance of the area, this would explain why the Council referred to the development not being of a sustainable form on their decision notices.
23. The appellant contends that the Council gave positive pre-application advice yet refused the planning applications. Even if this was the case, the evidence before me indicates that no elevations were provided prior to the formal submission of the planning applications. The Council therefore made their decisions based on the plans before them, as have I.
24. With regards to the third-party concerns raised, the proposed dwelling would be provided with its own off-street parking facilities. I note the Council did not refuse planning permission on the grounds of parking provision and there were no objections from the Highway Authority. I consider it unlikely that the proposal would result in any significant change to demand for on street parking in the area or to inconvenience for road users when compared with the existing situation.
25. I have assessed the appeals on their own merits and therefore whether or not there is potential for applications to be made to develop other sites in the area has not been material to my conclusions. The Council's report confirms that the site is in Flood Zone 1 and therefore at the lowest risk of flooding. There is no substantive evidence before me to indicate that the development would increase flood risk on the site or for neighbouring properties and a requirement for appropriate surface water drainage is incorporated into the conditions. I am also satisfied that with respect to the development in Appeal A which I am allowing, the development will have an acceptable relationship with neighbouring living conditions subject to compliance with Condition (8).

Conclusions

26. For the reasons set out, **Appeal A** is allowed.
27. For the reasons set out, **Appeal B** is dismissed.

M Russell

INSPECTOR

Appeal A – Ref: APP/K3415/W/20/3260281 - Schedule of conditions

- (1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
- (2) The development hereby permitted shall be carried out in accordance with the following approved plans: Drawing nos 001 (Location Plan), 011 Rev C (Proposed Site Plan), 021 Rev A (Floor Plans), and 025 Rev C (Elevations East and West) and 026 Rev C (Elevations North and South).

- (3) Notwithstanding the details shown on the approved plans, no development beyond slab level shall be carried out until precise details of all external facing materials (to include a tiled roof and a brick or rendered finish to the elevations of the dwelling), the combined chimney and flue, and all other fenestration materials have been submitted to and approved in writing by the Local Planning Authority. Once approved in writing the development shall be completed and maintained in full accordance with the approved details.
- (4) No development beyond slab level shall take place until precise details of measures to be incorporated into the development in line with the opportunities for biodiversity net gain detailed within the Preliminary Ecological Appraisal (PEA) prepared by Dr Stefan Bodnar in November 2019 have been submitted to and approved by the Local Planning Authority. Once approved the development shall be completed in full accordance with the approved measures to be incorporated and all recommendations, avoidance measures and methods set out in the PEA.
- (5) No development beyond slab level shall be carried out until a hard and soft landscaping scheme to include precise details of earthworks showing existing and proposed finished levels or contours, boundary treatments (to include the retention of the hedgerow to the boundary with No 10 Litchfield Road), hard surfacing materials, soft planting, access and parking areas, surface water drainage and an implementation programme have been submitted to and approved in writing by the Local Planning Authority. Once approved in writing the approved hard and soft landscaping scheme shall be completed in accordance with the agreed implementation programme.
- (6) No development beyond slab level shall take place until details of 2m x 43m visibility splays at the site access have been submitted to and approved in writing by the Local Planning Authority. Once approved, the visibility splays shall be provided in accordance with the approved details prior to the first occupation of the dwelling and shall thereafter be kept free of all obstructions to visibility over a height of 600 mm above the adjacent carriageway level at all times.
- (7) Any tree, hedge or shrub planted or retained as part of the approved hard and soft landscaping scheme on the site and which dies or is lost through any cause during the period of 5 years from the date of first planting shall be replaced in the next planting season with other of a similar size and species.
- (8) All windows in the south elevation of the dwelling facing No 10 Litchfield Road shall be fitted with obscure glazing and shall be non-opening unless the parts of the window which can be opened are a minimum 1.7m above the respective internal floor level at all times.
- (9) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking and re-enacting that Order with or without modification), other than development expressly authorised by this permission, there shall be no development under Schedule 2, Part 1 Class A of the Order unless consent has firstly been granted in the form of a separate planning permission.