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## Appeal Decision

Site visit made on 9 February 2021

**by Helen B Hockenhull BA (Hons) B. PI MRTPI**

**an Inspector appointed by the Secretary of State for Communities and Local Government**

**Decision date: 02 March 2021**

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**Appeal Ref: APP/Y3425/W/20/3263889**  
**94 Stone Road, Stafford ST16 2RS**

- 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 William Harp, Harixon Ltd against the decision of Stafford Borough Council.
  - The application Ref 20/31975/FUL, dated 26 February 2020, was refused by notice dated 26 May 2020.
  - The development proposed is construction of 30 owner occupied sheltered apartment scheme for retirement living and associated parking.
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### Decision

1. The appeal is dismissed.

### Main Issues

2. The main issues in this case are:
  - the effect of the proposal on the character and appearance of the area; and
  - the effect of the proposal on the living conditions of the occupants of neighbouring properties with particular regard to outlook.

### Reasons

#### *Character and appearance*

3. The appeal site lies at the corner of Stone Road and Cooperative Street, Stafford. The site was formerly occupied by a large residential property with several outbuildings. At the time of my visit, the site had been cleared awaiting redevelopment.
4. The area is mixed in character with primarily residential uses alongside commercial premises, retail outlets and a health centre. To the south of the site lie two storey residential properties on Cooperative Street and to the north is a large brick built two storey Victorian Villa which has been extended to the rear and is in use as a training and care facility. Two storey brick built residential properties lie to the west on the opposite side of Stone Road and to the east is a two-storey building providing a clinic with residential properties beyond. In the wider area buildings are a mix of both traditional and modern design with some variety in height. A four-storey care facility is located to the rear of properties on Cooperative Street.

5. The appeal proposal forms a revision to an approved development for 26 apartments provided in two blocks. The siting and design mirrors that of the permitted scheme. The appeal proposal seeks to construct an additional 4 apartments by adding a third floor and roof garden to both blocks. The additional floor would be set back on the roof and feature railings would be provided around the roof gardens matching that of the balconies to the individual apartments below.
6. The appeal scheme, a four-storey development, would be out of character with the predominantly 2 storey residential properties in the vicinity of the site. The plot is in a very prominent corner position. This is particularly evident when travelling towards the site from the north along Stone Road due to the undulation of the road. A development of this scale and height would form a visually dominant addition to the street scene causing harm to the character and appearance of the area.
7. The appellant has advised that the original property on the site was in effect four storey, with three floors and a basement. However, the existing building had a smaller footprint and was centrally located within the site in line with No. 96 Stone Road to the north. The appeal proposal is not only higher by approximately 900 mm but has a greater visual impact as it extends closer to the site frontages following the building line of properties on Cooperative Street.
8. I acknowledge that there are four storey buildings near to the appeal site. However, these are set back from Stone Road and form the backdrop to two-storey development fronting Stone Road and Cooperative Street. They do not therefore have the same visual impact and prominence in the locality.
9. I have had regard to the Stone Road Street Scene drawing prepared by the appellant. Whilst it appears to show that a four-storey building would not be out of keeping in the area, from my observations such a view is not achievable when standing on Stone Road. Furthermore, the set back of buildings and their spatial relationship is difficult to appreciate from the drawing. I therefore put greater weight on my observations on site.
10. The appellant has brought my attention to other four storey buildings in the locality. I acknowledge that there is diversity of style and height in the local area, however each scheme must be considered on its merits in light of its individual context.
11. Given the above, I conclude that the proposed development would cause harm to the character and appearance of the area. The scheme would fail to comply with objectives of the National Design Guide and the National Planning Policy Framework (the Framework) which seek to achieve well designed places. The Framework states in paragraph 130 that permission should be refused for development of poor design that fails to take the opportunities available for improving the character and appearance of an area. The proposal would also be contrary to Policies SP1, N1 and N8 and the Supplementary Planning Document on Design to the Plan for Stafford Borough 2011-2031 which seek to ensure high quality design and respect existing character.

### *Living conditions*

12. Whitgreave Court, a row of residential properties lies to the south of the appeal site on Cooperative Street. These two storey dwellings are set slightly lower than the road. The Council have argued that the proposed four storey building would be visually overbearing for the occupants of these neighbouring dwellings.
13. However, the fourth storey would not extend across the whole roof of both blocks and would be recessed. Bearing in mind the separation distance between Whitgreave Court and the proposed development, and taking note of the level difference, I am not persuaded that the outlook for occupants of Whitgreave Court would be adversely affected. Habitable rooms would not in my view have such a feeling of enclosure that the living conditions of the occupants would be harmed.
14. The Council in evidence has also raised concern about overlooking from the proposed roof gardens into the bedrooms of properties on Whitgreave Court. This does not form part of the reason for refusal. The potential for overlooking could be resolved by the imposition of appropriate planning conditions on any approval either requiring that the roof garden is not open for use by residents or that a railing feature could be installed to an appropriate height and design to prevent overlooking. The living conditions of nearby residents could therefore in this regard be safeguarded.
15. In summary, I find that the proposal would not cause harm to the living conditions of the occupants of neighbouring dwellings. The scheme would therefore comply with Policies SP1 and N1 of the Plan for Stafford Borough 2011-2031 which aim to protect the amenity of adjacent residential areas.

### **Other matters**

16. I am advised that the proposal lies within 8km of the Cannock Chase Special Area of Conservation (SAC). The requirements of The Conservation of Habitats and Species Regulations 2017 (the Regulations) therefore apply to this appeal. These require that I, as the competent authority, ensure that there are no significant effects from development both individually and cumulatively, which would adversely affect the integrity of the SAC. The Council advise that the latest evidence suggests that the Strategic Access Management and Monitoring Measures (SAMMMs) will deliver sufficient mitigation and avoidance measures to prevent any likely significant effect arising on the Cannock Chase SAC from residential development in this area. A financial contribution is therefore requested to be provided towards the improvement and maintenance of the SAC.
17. As per the approved scheme, the Council have advised that they would expect the development to provide 30% of the units as affordable housing and an off-site public open space contribution for the scheme to be policy compliant. The restriction of the use of dwelling to secure a minimum age of residents would also be required.
18. The appellant has provided an unsigned and undated section 106 agreement to address all the above matters and make the necessary contributions. However, because it has not been executed and signed, I am unable to take it into

account. In any event, as I am dismissing the appeal for other reasons, it was not necessary for me to ask the appellant to complete the agreement or to assess this documents compliance with the Framework and the Community Infrastructure Regulations 2010.

19. The appellant has stated that the 26 approved apartments are not financially viable and the further 4 apartments proposed in the appeal scheme are required to assist overall scheme viability. No substantial evidence has been provided however, such as a viability appraisal, to confirm and demonstrate this position. I am therefore unable to give this matter any weight in my decision.
20. The appellant has commented about the lack of continued discussion with the Council which could have led to scheme amendments overcoming the Council's concerns. This is not a matter within my remit to address.

### **Conclusion**

21. Whilst I have concluded that the appeal scheme would not cause harm to the living conditions of the occupants of neighbouring dwellings, this does not outweigh the harm I have found to the character and appearance of the area.
22. For the reasons given above and having had regard to all other matters raised, I dismiss this appeal.

*Helen Hockenhull*

INSPECTOR