



Appeal Decision

Site Visit made on 8 June 2021

by R Walmsley BSc, MSc, MA, MRTPI

an Inspector appointed by the Secretary of State

Decision date: 17 June 2021

Appeal Ref: APP/B3410/W/21/3269342

69 Waverley Lane, Burton Upon Trent, DE14 2HG

- 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 Khalid Khawaja against the decision of East Staffordshire Borough Council.
 - The application Ref P/2020/00682, dated 2 July 2020, was refused by notice dated 25 September 2020.
 - The development proposed is erection of a detached dwelling and associated parking (revised scheme) adj 69 Waverley Lane, Burton Upon Trent, Staffordshire, DE14 2HG.
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Decision

1. The appeal is dismissed.

Preliminary Matter

2. As there is no description of development on the planning application form, the description in the banner heading above has been taken from the decision notice.

Main Issues

3. These are:
 - i) the effect of the proposal on the character and appearance of the area, and;
 - ii) the effect of the proposal on the living conditions of prospective and neighbouring occupiers, with particular regard to amenity space and privacy respectively.

Reasons

Character and appearance

4. Waverley Lane is characterised by two storey frontage properties that are set back from the highway by a garden or landscaping, creating a sense of openness. There is also a strong and uniform pattern of development; that of largely semi-detached houses that are regularly spaced and set within commensurately scaled plots.
 5. The appeal property is no different in this regard, despite the house being in a prominent position on a corner plot. The dwelling is set in from its site boundaries, leaving a garden area that sets apart the house from the highway which contributes positively to the open character described.
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6. The proposed dwelling, being a detached house, would not be in-keeping with the regular pattern and spacing of semi-detached houses. The house would exceed the length of the adjoining property at two storeys and would be in a plot much smaller than for surrounding houses. The development would therefore appear cramped and incongruous. Furthermore, being close to the site boundary with the bulk and mass proposed, the dwelling would appear overly dominant in the street scene.
7. I am aware that more recent developments within the vicinity of the site have altered the pattern of development from what was originally intended when the houses were first built. However, these houses do not have a material effect on the character and appearance of the area for the appeal proposal to be considered appropriate in context. Similarly, I note that the development would respond to the building line to the front of the site, but this does not compensate for the harm found relating to the size of the proposed dwelling and its plot.
8. All in all, the development would appear cramped and incongruous and therefore would be harmful to the character and appearance of the area, contrary to policies DP1, SP24 and SP1 of the Local Plan (2015) which, amongst other things, seek development that responds positively to and integrates with the context of the surrounding area.

Living conditions

9. Policies DP1 and DP3 of the Local Plan (2015) seek development that, amongst other things, provides sufficient standards of development, in accordance with separation distances and amenity. The Separation Distances and Amenity Space SPD (2019) (SPD) sets out a minimum standard for outdoor space. The garden to No 69 Waverley Lane and to the proposed house would be notably smaller than the recommended 60 sqm and 50 sqm respectively. The development would therefore result in cramped living conditions and sub-standard outdoor space.
10. The development would not provide the recommended 21 metres between the rear elevation of the new dwelling and the house which the development would overlook. There would, therefore, be overlooking which would result in a loss of privacy that would be harmful to occupiers' living conditions.
11. The appellant suggests that the site could be re-configured to create a larger garden. I have no plans before me to demonstrate that this could be the case; looking at the plans it appears that an enlarged garden would interfere with parking.
12. And so, for the reasons given, the development would have a harmful effect on the living conditions of prospective and neighbouring occupiers and therefore would be contrary to policies DP1 and DP3 of the Local Plan (2015) and the SPD (2019).

Other considerations

13. In 2014 permission was granted for a dwelling on the appeal site. However, the policy context has changed since this decision was made. Plus, there are material differences between this development and the appeal proposal, to include the form and size of the property and garden size. This permission does not, therefore, set a precedent in favour of the appeal.

14. I have had regard to the concerns the appellant raises regarding the circumstances that led the Council to its decision. However, this is not a matter which is within the remit of the appeal and for me to comment on.

Conclusion

15. For the above reasons, and having regard to all matters raised, I conclude that the development would be contrary to the development plan. There are no material considerations to suggest a decision other than in accordance with the development plan and therefore the appeal is dismissed.

R Walmsley

INSPECTOR