



Appeal Decision

Site Visit made on 25 May 2021

by J Williamson BSc (Hons) MPlan MRTPI

an Inspector appointed by the Secretary of State

Decision date: 23 June 2021

Appeal Ref: APP/C3430/W/21/3268918

Hollyhurst, Holly Lane, Cheslyn Hay WS6 7AR

- 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 & Mrs James against the decision of South Staffordshire District Council.
 - The application Ref 20/00249/FUL, dated 19 March 2020, was refused by notice dated 6 November 2020.
 - The development proposed is erection of one detached bungalow.
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Decision

1. The appeal is dismissed.

Main Issue

2. The key issue is the effect of the proposed development on the character and appearance of the area.

Reasons

3. I broadly accept the appellant's characterisation of the area as not having a strongly defined settlement pattern or prevailing vernacular; and that there are a wide range of house types and architectural styles, properties of different ages and a mix of scales, including single-storey, two-storey, two-and-a-half storey and three-storey buildings. Additionally, I acknowledge that plot sizes vary and that most of the properties front a highway and are set behind front gardens or hard-standing car parking areas.
4. However, even though there is a mix of properties in the area in terms of types and sizes, the variation in sizes between neighbouring properties is not as extensive as the difference between the proposed bungalow and the three storey buildings north-east of the site; ie there are single-storey dwellings next to two-storey dwellings, two-storey next to three-storey, and, in the case of The Hollies, two-storey next to three-storey.
5. The proposal would provide a detached bungalow, fronting a road, set behind a hard-standing car parking area with a rear garden of a comparable size to others in the area. It would therefore have features in keeping with the character of the area. However, I consider the form of the proposal, in terms of its size, would be out of keeping with neighbouring buildings. Thus, as noted above, the detached single-storey building would be sited within proximity of 2 No. three-storey buildings located at the head of the cul-de-sac, and opposite a short terrace of two-storey dwellings. There are no bungalows located along The Hollies. Due to the extensive difference in height, footprint, and mass

between the proposal and what would be the neighbouring three-storey buildings, I consider the proposal would be an incongruous feature in the street scene.

6. I accept that there are single-storey outbuildings in the rear gardens of properties on Holly Lane and that there is a single-storey extension to the rear of the Public House, 'The Malt'. However, the nature of these buildings is significantly different to the proposal, ie domestic outbuildings and an extension to the rear of a public house; these buildings are also sited behind fences around 2 m high, and some plots have boundary trees, features which clearly demarcate the rear boundaries of the properties on Holly Lane. I therefore conclude that the proposal would have a detrimental impact on the street scene, which would significantly harm the character and appearance of the area.

Other considerations

7. Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires me to determine the proposal in accordance with the development plan, unless material considerations indicate otherwise.
8. I acknowledge that the provision of a dwelling would provide social and economic benefits, helping to achieve the Government's objective to significantly boost the supply of housing (paragraph 59 of the National Planning Policy Framework). However, given that only one dwelling would be provided, both the social and economic benefits derived from the proposal would be minor. As such, I attach limited weight to these factors.
9. The appellant has drawn my attention to a planning application granted approval by the Council on the site immediately east of the appeal site (Ref 15/00418/OUT), a site that also consists of the rear garden of a neighbouring property. I acknowledge that the Council has accepted the principle of dwellings on garden land, fronting The Hollies, with rear gardens smaller than some of the existing rear gardens of properties on Holly Lane.
10. However, there are significant differences between the approved application referred to and the proposal before me. Thus, the approved scheme was an outline application, with matters of scale and appearance to be subsequently determined. From the evidence before me, the Council was satisfied that a pair of two-storey, semi-detached dwellings could be accommodated within the site and accord with development plan policies. I note that although scale was a reserved matter, the Council Officer's Report considers the distance standards between dwellings in the scenario of the proposed dwellings being two-storey. Due to such significant differences, I consider the 2 schemes to not be directly comparable, and therefore cannot attach substantial weight to this matter. However, given the comparative aspects that do exist, I attach moderate weight to this factor.
11. On balance, considering the above, I conclude that there are no other considerations that outweigh the significant harm I have found to the character and appearance of the area. The proposal would therefore not accord with Policy EQ11 of the Core Strategy Development Plan Document, 2012, which requires, among other things, the design of developments to be of the highest quality, and their form, in terms of scale, to contribute positively to the street scene and surrounding buildings, and to respect local character and

distinctiveness, including surrounding development. The proposal would also not accord with guidance in the South Staffordshire Design Guide, (2018), which, among other things, broadly seeks to protect the character and appearance of local areas, advising that development should contribute positively to the street scene, respecting the scale of buildings in the area to ensure buildings fit harmoniously into the surrounding environment.

12. As Policy EQ4 deals specifically with the effect of development on the landscape, I do not consider it to be directly relevant to the proposal, given that the site is located at the head of a cul-de-sac, surrounded by built form, and not read in connection with the landscape beyond the built form.

Other Matters

13. The appeal site lies within the zone of influence of the Cannock Chase Special Area of Conservation (SAC), an area which has been designated for protection under the Habitats Regulations. The Council Officer's Report identified the need for a contribution towards mitigation measures to avoid an adverse effect on the integrity of the protected site, should the proposal be allowed.
14. A Unilateral Undertaking was submitted with the appeal to secure a contribution to mitigate against any adverse impact on the SAC stemming from the development. However, it is not necessary for me to consider whether this obligation meets the tests set out in Regulation 122 of the Community Infrastructure Levy Regulations, as I am dismissing the appeal for other substantive reasons.

Conclusion

15. For the reasons outlined above, I conclude that the appeal is dismissed.

J Williamson

INSPECTOR