



Appeal Decision

Site Visit made on 22 June 2021

by M Russell BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 15 July 2021

Appeal Ref: APP/Y3425/W/21/3271928

Egremont, Newport Road, Stafford ST16 1DH

- 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 N Thompson against the decision of Stafford Borough Council.
 - The application Ref 20/32836/FUL, dated 4 August 2020, was refused by notice dated 16 December 2020.
 - The development proposed is a new dwelling.
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Decision

1. The appeal is dismissed.

Procedural Matter

2. The evidence before me indicates that the site is located within 8km of the Cannock Chase Special Area of Conservation (SAC) which is a European designated site. 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 this appeal.
3. The appropriate assessment carried out by the Council suggests that the Strategic Access Management and Monitoring Measures (SAMMMs) will deliver sufficient mitigation and avoidance measures and that any likely significant effects to the SAC would be mitigated by financial contributions provided by developments of 10 dwellings or more within the 0 – 8km zone of influence. This implies that no specific mitigation would need to be secured in respect of the appeal proposal. However, Natural England (NE) have confirmed that they concur with the Council's appropriate assessment conclusions providing that all mitigation measures are appropriately secured in any permission given.
4. There is therefore some ambiguity as to whether or not any mitigation measures would need to be secured. Given I am dismissing the appeal I have not explored this issue in any further detail. However, if the circumstances leading to a grant of permission had been present, I would have been required to give further consideration to the impact upon the European Site in accordance with the Habitats Regulations.

Main Issue

5. The main issue is the effect of the proposal on the character and appearance of the area.

Reasons

6. Egremont is a two-storey detached dwelling situated within a row of detached dwellings orientated with their principal elevations facing Newport Drive. The spacious rear gardens serving Egremont and its immediate neighbours form part of a generous and distinct gap between a similarly orientated parallel row of development to the north which includes dwellings accessed from Upmeadows Drive. The relative consistency in the layout and degree of separation between buildings forms part of an attractive and spacious residential character to this part of Newport Road.
7. The position of the dwelling between long rear gardens would be at odds with the layout of neighbouring dwellings on Newport Road. It would intrude upon the well-defined gap between the parallel line of development to the rear. The development would also significantly curtail the rear garden serving Egremont. The contrasting orientation of the dwelling and its plot would appear particularly contrived and cramped when experienced from within the environs of neighbouring gardens and from windows serving properties on Newport Road.
8. My attention has been drawn to a previously dismissed appeal¹ which related to a proposal for a two-storey dwelling. In that case, the Inspector referred amongst other things to the position of the proposal being much closer to the dwellings on Newport Road than any of the existing development to the rear. Whilst the Inspector acknowledged that this would not be readily legible from Newport Road, they found it would still harm the clear distinction and separation between the two parallel rows of development. Even though the current proposal is for a dormer bungalow, it would similarly be perceived as introducing a greater density of built form within this gap which would erode the spacious characteristics of this part of Newport Road.
9. The appellant contends that the development on Upmeadows Drive was itself a backland development. Even if that was the case, Egremont and its immediate neighbours on Newport Road retain rear gardens of comparable depth. Therefore, the appeal proposal is not comparable to this neighbouring development. The Council's requirements in terms of distances between dwellings relate to the protection of neighbouring living conditions. Therefore, this is not a matter which persuades me that the position and layout of the development would reflect the surrounding pattern of development.
10. I conclude the development would have a significantly harmful effect on the character and appearance of the area. In that regard, the development would conflict with the sustainable principles and aims to secure good design which takes into account local character and context in Policies SP1 (Presumption in favour of sustainable development and N1 (Design) of The Plan for Stafford Borough (2014) (The Plan), The Stafford Borough Council Design Supplementary Planning Document (2018) (SPD) and the National Planning Policy Framework.

Other Matters

11. The Council's decision also refers to Policies SP7 and N8 of The Plan which amongst other things support the principal of new development within

¹ Appeal Ref: APP/Y3425/W/20/3245721

settlement boundaries and seek that development proposals are sympathetic to landscape character and quality. The parties are not in dispute that the principle of residential development in this area is acceptable and I acknowledge that the development would make a small but positive contribution towards the Council's housing requirements. Furthermore, the development would sit within the built-up area rather than within an area of distinct natural landscape quality. Therefore, I have not identified any specific conflict with these particular policies. Even so this does not override the harm identified under the main issue.

Conclusion

12. The proposal would harm the character and appearance of the area and would conflict with the development plan taken as a whole. There are no material considerations that indicate the decision should be made other than in accordance with the development plan. Therefore, for the reasons given, I conclude that the appeal should not succeed.

M Russell

INSPECTOR