



Appeal Decision

Site Visit made on 29 June 2021

by Benjamin Clarke BA (Hons.) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: Tuesday, 03 August 2021

Appeal Ref: APP/Y3425/W/21/3267719

73 Oxford Gardens, Stafford, Staffordshire ST16 3JB

- 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 R. Dixon against the decision of Stafford Borough Council.
 - The application Ref 20/32426/FUL, dated 20 May 2020, was refused by notice dated 27 July 2020.
 - The development proposed is to replace existing garage with a self-contained one bedroom flat.
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Decision

1. The appeal is dismissed.

Procedural Matter

2. The Government published the latest version of the National Planning Policy Framework (the Framework) on the 20 July 2021. However, given the issues raised in this appeal, I do not believe it would cause prejudice to any party to proceed with reference to the new Framework.

Main Issue

3. The main issue in this appeal is the effect of the development upon the character and appearance of the surrounding area.

Reasons

4. The appeal site consists of an end of terrace dwelling located at the junction of Oxford Gardens and Freeman Street. The existing dwellings are arranged in a linear form and constructed to traditional designs. Furthermore, garden lengths are consistent. To the rear of the appeal site is a further road. From this road, there are pedestrian accesses to other residential areas. In addition, there is a school near to the appeal site.
5. The proposed development would create a detached, single storey, dwelling to the rear of the existing building that would face Freeman Street. The proposed development would therefore appear discordant given that it would be constructed in a style of architecture that diverges from the traditional style of architecture that is prevalent in the surrounding area. This would occur irrespective of the materials from which the building is constructed.
6. The proposed development would have a much smaller garden than those present in the surrounding area. This also creates an incongruous form of development given that a significant proportion of the neighbouring dwellings

- have gardens of a consistent length. The additional boundary treatments would contribute to a cramped form of development.
7. These matters give rise to concerns given the prominence of the appeal site. Views of the front elevation of the proposed dwelling would be possible from the junction between Freeman Street and Oxford Gardens. In addition, the development would be viewable from the road that runs to the rear of the appeal site.
 8. This road is hard surfaced, has road markings and provides pedestrian access to other residential areas. The appeal site is near to a school. Therefore, views of the proposed development would also be visible through a gate of the school. Therefore, the proposed development would have the potential to be experienced by a greater number of people rendering it strident.
 9. My attention has been drawn to a garage at the nearby 75 Oxford Gardens. Whilst this has similar proportions to the appeal proposal, it has a different design given its use as an ancillary garage. Furthermore, as an ancillary garage, it has not resulted in a subdivision of the plot. In result, the proposed development would give rise to different effects.
 10. I have also been referred to an outbuilding elsewhere in Oxford Gardens. However, whilst this has a similar footprint to the appeal proposal, it has a different design. In result, its more open character means that it does not have the same effects as the appeal scheme would have.
 11. My attention has also been drawn to an extension at 75 Oxford Gardens. I do not have the full information regarding the planning circumstances of this, which lessens the amount of weight that can be attributed to it. However, I note that the service road to the rear of this property does not directly lead to other residential areas and there is no school adjacent to it. In consequence, I find that this existing development is less prominent than the appeal proposal would be. In consequence, the presence of a development elsewhere does not overcome my previous concerns.
 12. I therefore conclude that the proposed development would have an adverse effect upon the character and appearance of the surrounding area. The development, in this regard, would conflict with Policy N1 of the Plan for Stafford Borough (2014). Amongst other matters, this requires that developments have high design standards that have regard to the local context.

Other Matters

13. I understand that there is an extant permission for a garage at the appeal site. However, this would have a different appearance and layout to the scheme before me. The development would create an additional dwelling, although such benefits would be limited by reason of the scale of the development. I therefore find that these points do not outweigh my previous conclusions.
14. The proposed development would not have an adverse effect upon the living conditions of the occupiers of neighbouring properties. Whilst a matter of note, this is only one of all the matters that must be considered. It therefore does not overcome my findings in respect of the main issue.

15. The development would increase the level of natural surveillance of Freeman Street. Whilst this would be of some benefit, it does not overcome the previously identified adverse effects.
16. The appeal site is within 15km of the Cannock Chase Special Area of Conservation (the SAC). However, as I have found harm arising from the main issue, I do not need to further consider the effects of the development upon the SAC.

Planning Balance and Conclusion

17. The proposal would therefore have an adverse effect upon the character and appearance of the surrounding area. The scheme would therefore conflict with the development plan taken as a whole. There are no material considerations, including the National Planning Policy Framework, that indicate the decision should be made other than in accordance with the development plan. Therefore, for the preceding reasons, I conclude that the appeal should be dismissed.

Benjamin Clarke

INSPECTOR