



Appeal Decision

Site Visit made on 6 July 2021

by M Russell BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 02 September 2021

Appeal Ref: APP/B3438/W/21/3273083

1 Hillswood Drive, Endon ST9 9BL

- 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 P Fleming against the decision of Staffordshire Moorlands District Council.
 - The application Ref SMD/2020/0222, dated 20 April 2020, was refused by notice dated 12 November 2020.
 - The development proposed is two-storey dwelling to land at 1 Hillside Drive.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The planning application forms describe the proposal as 'Proposed two storey dwelling to land at 1 Hillside Avenue'. I have amended this description within my banner heading to reflect the correct location of the proposal at Hillside Drive.
3. Since the appeal has been lodged the revised National Planning Policy Framework (the Framework) has been issued on 20 July 2021. The main parties have therefore been given an opportunity to provide further comments in this respect. I have taken the comments received in this respect into account as part of my assessment.

Main Issues

4. The main issues are the effect of the proposal on:
 - (i) The character and appearance of the area; and
 - (ii) The living conditions of occupiers of No 1 Hillswood Drive and Four Ways, Clay Lake with particular regards to means of outlook, light and privacy.

Reasons

Character and appearance

5. The appeal site is located within a residential area characterised mainly by detached dwellings. Plots are more often generously proportioned and this gives the area a pleasant and spacious residential character. No 1 Hillswood Drive is a detached dormer bungalow situated within a spacious corner plot. Given the sloped topography of Hillside Drive, the neighbouring two-storey dwelling at No 3 Hillswood Drive sits at a higher level and side on to the raised garden area which serves No 1. This garden area and the planting within it

provide a soft landscaped gap between the corner bungalow and the higher row of two-storey dwellings on Hillswood Drive, positively contributing to the well-spaced suburban characteristics of the streetscene.

6. The proposed plot would be markedly smaller in depth and area than the majority of surrounding plots. The footprint of the dwelling would sit substantially forward of the front elevation of the dwelling at No 3 and in close proximity to the north west facing elevation of the dwelling at No 1. Consequently, the layout of the proposal would appear cramped relative to surrounding dwellings and their respective plots. This would be evident to those passing by the site frontage and would also be appreciable from the higher ground to the north west on Hillswood Drive. The proposal would therefore be harmful to well-spaced suburban characteristics of the street scene.
7. The appellant suggests that the design of the dwelling would respect surrounding built form including in terms of its height, the incorporation of hipped roofs and that the width of the plot would be comparable to other properties in the area. Even so, for the reasons set out the overall constraints of the plot mean that the site would not comfortably accommodate the two-storey dwelling without harm to the defining characteristics of the area.
8. My attention has been drawn to the absence of a reference in the Council's reasons for refusal to any conflict with the Staffordshire Moorlands Council Design Guide Supplementary Planning Document (2018) (SPD). I am conscious that the SPD is guidance only. In any case, I have not been provided with a copy of this document, nor reference to specific sections within it to convince me that the constraints I have identified reflect this design guidance. Even if I had, I am not persuaded that the proposal represents good design which complements its surroundings in this particular instance.
9. I conclude, the development would result in significant harm to the character and appearance of the area. In that regard the development would conflict with the design and character and appearance requirements in Policy DC 1 (Design Considerations) of the Staffordshire Moorlands Local Plan (2020). For the same reasons, the development would also conflict with the requirements for good design and for proposals to add to the overall quality of the area in the Framework.

Living conditions for neighbouring occupiers

10. The existing dwelling at No 1 includes a large ground floor window serving a kitchen to its north west facing elevation facing the appeal site. At the time of my visit, these windows appeared to be the main source of light and outlook to the kitchen. There would be a small yard retained immediately to the rear of these windows. The proposed dwelling would be slightly offset from these windows and the yard. Even so, given its scale, close proximity and position on higher ground, the proposed dwelling would be likely to be imposing for occupiers of No 1 when experienced from this neighbouring window and from the remaining yard serving this property. Any boundary treatments erected to the shared boundary between the raised garden serving the proposal and the remaining yard serving No 1 would have the potential to further compound the overbearing impact of the proposal for occupiers of No 1.
11. The appeal site also forms part of a relatively open aspect for occupiers of Four Ways on Clay Lake when experienced from the rear garden and rear windows

serving this neighbouring property. The elevated position of the proposal relative to this neighbouring dwelling and its close proximity to the boundary with the rear garden at Four Ways would be overbearing for occupiers of this neighbouring property. Furthermore, even though the first-floor rear windows would be obscure glazed, when combined with the scale of the dwelling and its close proximity and raised position, these windows would result in a perceived overlooking impact for occupiers of Four Ways.

12. I have given regard to the orientations of No 1 and Fourways and their position to the south of the proposed dwelling. I also noted that the nearest window to the north west facing elevation of No 1 had been removed at the time of my site visit. There is no substantive evidence before me such as sunlight or daylight surveys to convince me that any loss of light for occupiers of these neighbouring properties would be more than marginal. Even so, this does not diminish the other harm to neighbouring living conditions identified above.
13. I conclude that the development would result in significant harm to neighbouring living conditions with specific regard to means of outlook and privacy. In these respects, the proposal would conflict with the aims to protect residential amenity in Policy DC 1 of the LP. For the same reasons the development would also conflict with the requirements in the Framework to ensure that developments create places with a high standard of amenity for existing and future users.

Other Matters

14. There is no dispute that the site is situated within a sustainable location having regard to the development plan and the availability of services and facilities in the area. The appellant also contends that the gardens serving the dwelling would meet the Council's space standards, and that the development would be acceptable from a highway, biodiversity and heritage perspective. However, the acceptability or not of these other matters does not override the harm identified under the main issues and the conflict with the development plan when considered as a whole.
15. The appellant contends that the Council does not have any adopted density standards and I acknowledge the Framework endorses the efficient use of land. My attention has also been drawn to instances in the District where planning permission has been granted for infill plots. However, the Council has confirmed that two of these proposals were for bungalows. Furthermore, none of the examples provided are identical in layout or relative plot sizes to the proposal before me. Therefore, having considered the appeal proposal on its own merits including its site-specific context, I am not persuaded that the significant harm identified under the main issues would be justified.

Conclusion

16. The proposal would harm the character and appearance of the area and the living conditions of neighbouring occupiers. In these respects, the proposal 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