



Appeal Decision

Site visit made on 14 December 2021

by Helen Smith BSc (Hons) MSc MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: Tuesday 18 January 2022

Appeal Ref: APP/P3420/D/21/3282673

1 Beresford Crescent, Newcastle-under-Lyme ST5 3RG

- 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 Dr Shamylla Samad against the decision of Newcastle-under-Lyme Borough Council.
 - The application Ref 21/00569/FUL, dated 7 June 2021, was refused by notice dated 20 August 2021.
 - The development proposed is the erection of a 2 storey side extension to a semi-detached dwelling.
-

Decision

1. The appeal is allowed and planning permission is granted for the erection of a two storey side extension at 1 Beresford Crescent, Newcastle-under-Lyme, ST5 3RG in accordance with the terms of the application, Ref 21/00569/FUL, dated 7 June 2021, subject to the conditions set out in the schedule of conditions.

Applications for costs

2. An application for costs has been made by Dr Shamylla Samad against Newcastle-under-Lyme Borough Council. This application is the subject of a separate decision.

Main Issue

3. The main issue is the effect of the proposal on the character and appearance of the host dwelling and the surrounding area.

Reasons

4. The appeal site is a semi-detached dwelling located on a large corner plot at the junction of Beresford Crescent and Pilkington Avenue. Beresford Crescent and the nearby streets are characterised by semi-detached dwellings of traditional style, which are generally set back from the road with mature street trees.
5. Permission is sought for a two-storey side extension to the west side facing gable to 1 Beresford Crescent. The proposal is a revised scheme from the previously refused planning application referenced 21/00054/FUL.
6. The proposed extension would be set back from the front elevation of the host dwelling by 500mm and has a drop in ridge height of 450mm. In addition, the width of the extension has been reduced to 3.85m. In my judgement, this reduced width, combined with the set back and drop in ridge height would make the proposal appear subordinate to the host dwelling. This is because the

roofline would not protrude above the roofline of the existing dwelling and the set back would serve to overcome bonding and brick matching problems. In addition, the width of the proposal would be less than the width of the host dwelling and there is sufficient space on site to accommodate the proposed extension's footprint. Taken together with the external materials to match the existing dwelling, the proposal would relate well to the host dwelling and would not be detrimental to its character and appearance.

7. I note objections have been received from neighbours regarding the design of the scheme. However, I do not find the proposal to be an overdevelopment of the plot or out of character with the surrounding area. Due to the site's spacious plot size, the proposal would not appear as a dominate mass on site as it does not infringe the established building line along Beresford Crescent. The design of the proposal is in keeping with the street-scene and reflects the character and appearance of the properties in this locality. It is also evident that the size of the extension would be similar to other extensions in the surrounding area. Consequently, the proposal is not a dominant, overbearing feature that is out of keeping with the street-scene. Rather, its design reflects the character and appearance of the local area and would integrate positively to the area's identity in terms of scale, mass, layout and materials.
8. For the reasons above, I conclude that the proposal would be in keeping with the character and appearance of the area and be compatible in design with the host dwelling. Accordingly, it complies with Policy CSP1 of the Newcastle-under-Lyme and Stoke-on-Trent Core Spatial Strategy 2006-2026 (adopted 2009). Amongst other things, this policy seeks to ensure development is well designed and respects the character, identity, and context of the local area. The proposal also complies with Policy H18 of the Newcastle-under-Lyme Local Plan 2011 (adopted 2003). Amongst other things, this policy seeks to ensure development is subordinate to the design of the original dwelling and does not detract materially from the character of the original dwelling or the street-scene.
9. In addition, the proposal would adhere with the National Planning Policy Framework (para 130), which emphasises the importance of securing good design and states that development should respond to local character and add to the overall qualities of the area.

Other Matters

I note objections have been received from neighbours on matters including party walls and building control issues. However, such matters are dealt with under other legislation.

I also note the concerns regarding flooding and the use of the property as an HMO. However, there is no evidence before me to substantiate these claims.

Conditions

10. I have assessed the conditions put forward by the Council against the National Planning Policy Framework (para 56), and I am satisfied that these conditions meet the tests.
11. A standard time limit condition has been applied to ensure the development is built within 3 years of the date of this appeal decision.

12. To ensure the satisfactory appearance of the development, a condition is attached to require that the external materials match those of the existing building.
13. For reasons of certainty, a condition is imposed to ensure the development is undertaken in accordance with the approved plans.
14. In the interests of highway safety and in accordance with the aims of the Framework (para 108), conditions 4, 5 and 6 have been imposed.
15. To ensure the protection of trees, conditions 7 and 8 have been imposed.

Conclusion

16. For the reasons given above, having considered the development plan as a whole, the approach in the NPPF, and taken account of all other material considerations, I conclude that the appeal should be allowed.

Helen Smith

INSPECTOR

SCHEDULE OF CONDITIONS

- 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
- 2) The materials to be used in the construction of the external surfaces of the development hereby permitted shall match those used in the existing building.
- 3) The development hereby permitted shall be carried out in accordance with the approved plans:
 - Existing Plans (Drg No: EX01)
 - Proposed Site Plan and Block Plan (Drg No: P01, Revision A)
 - Proposed Floor Plans Ground & First (Drg No: P02, Revision A)
 - Proposed Elevations Rear Front & Side (Drg No: P03, Revision A)
 - Appendix 5 – Visuals rear front and side (Drg No: P04)
 - Tree Protection – Proposed Site Plan
 - Annex to Appendix 1 – Tree Protection Plan
 - Annex to Appendix 1 – Tree Survey Plan
- 4) The garage indicated on Drawing No. P02 Revision A shall be retained for the parking of motor vehicles and cycles. It shall at no time be converted to living accommodation without the prior permission of the Local Planning Authority.
- 5) The development hereby permitted shall not be brought into use until the access and parking area have been provided in accordance with Drawing No.

P01 Revision A, and shall thereafter be retained as such for the lifetime of the development.

- 6) The development hereby permitted shall not be brought into use until the access drive rear of the public highway has been surfaced and thereafter maintained in a bound material for at least 5m rear of the public highway.
- 7) The recommendations of the Tree Survey & Arboricultural Impact Assessment dated 14th March 2021 shall be fully implemented.
- 8) There shall be no parking of construction vehicles or placing of materials on the highway verge within Tree Root Protection Areas.

*****End of Conditions*****