
Appeal Decision

Site visit made on 7 December 2021 by G Sibley MPLAN MRTPI

Decision by L McKay MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 3 February 2022

Appeal Ref: APP/P3420/D/21/3281382

11 Greenock Close, Newcastle-under-Lyme ST5 2LG

- 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 Myles Oakes against the decision of Newcastle-under-Lyme Borough Council.
 - The application Ref 21/00643/FUL, dated 24 June 2021, was refused by notice dated 17 August 2021.
 - The development proposed is described as "Creation of a full-length, double room timber Dormer extension over the existing garage to the side of the main house including reduction of the original garage base width and extension of the original length to meet the building lines at front and rear of the property. A replacement tiled pitch roof to the original aspects with single roof window to the right aspect and the addition of two roof-light/sun lanterns (SkyPod) to the new dormer roof, along with a window to the front side of the new Dormer in addition to a new roller-garage door to the Principal Aspect. An additional three-unit 'Studio' roof window will be installed over the new ground-floor pitched-roof, above a set of French doors and an additional full-height glass panel as per given under 17/00346/FUL. A full width pitched roof canopy to the rear aspect covering a brick extension of 2400mm over existing patio area and to an approximate width of 4800mm, supporting two Velux 'Studio' twin roof windows, with the rest of the roof being supported on piers to allow for open access to the remaining patio."
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Decision

1. The appeal is dismissed.

Appeal Procedure

2. The site visit was undertaken by an Appeal Planning Officer whose recommendation is set out below and to which the Inspector has had regard before deciding the appeal.

Main Issues

3. The main issues are: the effect of the proposed development on the character and appearance of the dwelling and the street scene; and whether the personal circumstances of the appellant would outweigh any harm in respect of the proposed development.

Reasons for the Recommendation

Character and appearance

4. No 11 is a two-storey detached dwelling with a pitched roof located on a corner plot on Greenock Close. It has a single storey front projection, including a porch currently under construction, and a single storey side garage. Both have

flat roofs which are common on single storey elements of properties in the area. Due to the road layout and position of No 11, the front, side and rear of the dwelling are all visible from Greenock Close.

5. Greenock Close is made up of several different dwelling types, with properties arranged in groups of similarly designed dwellings. Nevertheless, there are areas of commonality such as use of dark brown bricks with panels of hanging tiles or cladding, except for a group of modern dwellings which have different materials and detailing. No 11 is somewhat different from its neighbours due to its orientation and various projections, however it shares a similar material palette and overall simple form.
6. The proposal would extend the existing garage in line with the main rear elevation and the single storey front projection and porch. While it would be slightly larger than the existing garage it would be similar in appearance and such garages are common locally.
7. The dormer proposed would occupy most of the roof over the garage with only a small margin around the edges. It would extend past the front elevation of the first floor of the main house with only a small area of pitched roof visible. Due to its scale and box-like form, it would appear distinctly at odds with the simple form of the host dwelling and would not appear as part of the original dwelling as the appellant suggests. Nor would it appear as a seamless extension or be clearly subservient to the host dwelling as recommended in the Newcastle-under-Lyme and Stoke-on-Trent Urban Design Guidance Supplementary Planning Document (SPD) (2010).
8. Additionally, the proposed dormer would have blank elevations covered by uPVC timber effect cladding. A small section of the first floor of the existing dwelling has such cladding and the rest of the dwelling is proposed to be rendered, both of which I understand have been approved previously by the Council. While panels of different materials are common on dwellings in the area, the proposal would create a large, monotonous area of cladding on the dormer. This would not reflect the appearance of the host dwelling with its pitched roof and areas of different materials broken up by windows.
9. Moreover, while I appreciate the desire for privacy given the proximity of neighbouring properties, a dormer of this scale with blank elevations in a highly visible corner location would result in a dominant and incongruous feature in the street scene. As a result, the proposed dormer would detract from the appearance of the host dwelling and the street scene.
10. The proposed 'sky pod' roof lanterns would be uncommon at first-floor level within the current street scene but given the height at which they would be sited they would not be easily visible from public views. The proposed roof over the existing single storey front projection and porch would be subordinate in scale to the dwelling and similar to a previously approved alteration. Other proposed alterations to create roofs to the side and rear would have little visual impact. As a result, these elements of the proposal would not harm the appearance of the dwelling or the street scene.
11. Nevertheless, whilst some elements of the proposal would not be harmful, the proposed dormer would harm the character and appearance of the dwelling and its discordant appearance would harm the appearance of the street scene. Consequently, the proposal would be contrary to Policy H18 of the

Newcastle-under-Lyme Local Plan 2011 (adopted 2003) and Policy CSP1 of the Newcastle-under-Lyme and Stoke-on-Trent Core Spatial Strategy 2006-2026 (adopted 2009). These policies expect the form, size and location of each extension to be subordinate to the design of the original dwelling as well as respect the character, identify and context of Newcastle and Stoke-on-Trent's unique townscape and landscape. Furthermore, the proposal would be contrary to the guidance in the SPD and the design policies of the National Planning Policy Framework (the Framework) which require high quality design.

Personal circumstances

12. I have had due regard to the Human Rights Act 1998 (HRA) and the Public Sector Equality Duty (PSED) under the Equality Act 2010. Disability is a relevant protected characteristic to which the PSED applies. Article 8 of the HRA requires that decisions ensure respect for private and family life and the home and is engaged in this case. In reaching my decision, I have kept these interests at the forefront of my mind. However, they are qualified rights and interference may be justified where in the public interest. The concept of proportionality is key.
13. The proposed extension would create a larger and more adaptable living area to meet the needs of the appellant, whose health conditions significantly affect their day-to-day life and are likely to continue in perpetuity. The proposal would therefore address their needs now and in the future. It would also provide basic living facilities which have previously been removed, including a bathroom, and would allow for re-connection to services. If planning permission were to be refused, the appellant might continue to live in a property with very few facilities, which is their only option for accommodation. I recognise that perpetuating the existing situation would not be good for their health and would result in harm to someone with a protected characteristic.
14. The previously approved extension could not be built due to structural issues, which necessitated the need for a revised scheme. I also recognise the appellant's need for privacy and the presence of neighbours close by. However, it has not been demonstrated that having no first-floor windows at all is necessary to achieve an acceptable solution, or that the potential for light pollution could not be addressed by other means, to avoid impacts on neighbouring occupants' living conditions. Furthermore, while I appreciate that the appellant's financial situation restricts what they can build, there is very limited evidence before me of the alternatives considered and the relative costs. Therefore, I cannot be certain that this scheme is the only way to achieve the necessary accommodation. Nor has it been demonstrated that reconnecting the property to gas and water supplies cannot take place without all of the extensions proposed here.
15. I acknowledge that the process of applying for planning permission and the related but separate processes of meeting Building Regulations and structural requirements can be confusing and difficult to navigate, particularly without professional representation. However, as the Council is now aware of the appellant's circumstances, I have no doubt that further negotiations could take place with Council representatives from all relevant departments to discuss the situation.
16. Consequently, it has not been demonstrated that the accommodation required cannot be achieved in another way which does not result in the same harm to

the character and appearance of the dwelling or the street scene. Therefore, I cannot conclude the harm from this proposal would be necessary to meet the appellant's current and future needs. I recognise that dismissing this appeal would further delay the appellant improving their dwelling and that this would result in harm to them. I therefore give their personal circumstances significant weight in favour of the proposal.

17. Nonetheless, in both the development plan and the Framework considerable importance is placed on the need for development to achieve high-quality design and protect and enhance character and distinctiveness. Therefore, I afford the conflict with the relevant policies very substantial weight. Consequently, in this case the appellant's personal circumstances do not outweigh the harm identified above. Refusal of permission would be proportionate and necessary and would not unacceptably violate the appellant's rights under Articles 1 and 8 of the HRA.

Other Matters

18. Various points are made in relation to the Authority's handling of the planning application. While I recognise that the appellant has significant concerns in this respect, it is not my role to consider these matters in determining this appeal. I must make my recommendation based on the planning merits of the scheme and the evidence before me.

Conclusion and Recommendation

19. I have had regard to the appellant's personal circumstances and the impact on them of my recommendation. However, for the reasons given above, the material considerations in this case do not outweigh the harm the proposal would cause to the character and appearance of the dwelling and the street scene, and therefore do not justify granting planning permission for development that conflicts with the development plan as a whole. Therefore, having had regard to all other matters raised, I recommend that the appeal should be dismissed.

G Sibley

APPEAL PLANNING OFFICER

Inspector's Decision

20. I have considered all the submitted evidence and the Appeal Planning Officer's report and, on that basis, I agree with the recommendation and shall dismiss the appeal.

L McKay

INSPECTOR