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## Appeal Decision

Site visit made on 8 February 2022

**by Ian McHugh DipTP MRTPI**

**an Inspector appointed by the Secretary of State**

**Decision date: 4<sup>TH</sup> march 2022**

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**Appeal Ref: APP/M3455/D/21/3289718**

**488A Weston Road, Weston Coyney, Stoke-on-Trent, ST3 6QD**

- 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 J Hamnett against the decision of Stoke-on-Trent City Council.
  - The application Ref 66901, dated 29 June 2021, was refused by notice dated 12 November 2021.
  - The development proposed is the erection of a detached double garage in side garden.
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### Decision

1. The appeal is allowed and planning permission is granted for the erection of a detached double garage in side garden at 488A Weston Road, Weston Coyney, Stoke-on-Trent. ST3 6QD in accordance with the terms of the application Ref 66901, dated 29 June 2021, subject to the following conditions:
  - 1) The development hereby permitted shall begin no later than 3 years from the date of this decision.
  - 2) The development hereby permitted shall be carried out in accordance with the following approved plans: Drawing Numbers: 1657-AL05D; 1657-AL06C; 1657-AL08; and 1657-AL15 .
  - 3) The external materials to be used in the construction of the approved garage shall be as described on the planning application form – Redland Manorial Mixture Multi Red Bricks.

### Main Issue

2. The main issue is the effect of the proposal on the living conditions of the future occupants of the host dwelling, with particular regard to outlook.

### Reasons

3. The appeal site is situated in a residential area to the rear of number 488A Weston Road. The proposed garage would serve a new detached dwelling that is currently under construction. The surrounding area is mixed in terms of house types and sizes and there is no distinct character or uniformity to the appearance of the area.
4. The proposed garage would have a flat roof and the walls would be constructed of bricks that would match those used on the new dwelling. It would be positioned in the front/side garden of the new dwelling. The design of the

garage was amended during the course of the application by deleting a proposed pitched roof.

5. The garage would be positioned relatively close to the sole window of a ground floor bedroom of the new dwelling. The Council officer's report refers to a separation distance of 4m. Concern is expressed by the Council that this would result in the garage having an unacceptably overbearing effect, which would be harmful to the living conditions of the occupants. It states that without the garage, there would be uninterrupted views of some 12m from the bedroom window.
6. Policy CSP1 of the Council's adopted Core Spatial Strategy seeks (amongst other things) to ensure that the design of new development is of high quality and contributes positively to the area. In addition, Policy R19 of the Council's Supplementary Planning Document – Urban Design Guidance (SPD) advises that dwellings should provide a reasonable outlook. I consider that these accord with the provisions of paragraph 130 of the National Planning Policy Framework (the Framework), which also states that developments should create places with a high standard of amenity for existing and future users.
7. Although the proposed garage would have an impact on the outlook from the bedroom window (because of its close proximity), I note from the plans and my observations at the site visit that it would set at a lower level than the dwelling. This would reduce the impact of the structure on the outlook from the bedroom window. Furthermore, I am not persuaded that a bedroom window should be afforded the same level of protection as other main habitable rooms and, in that regard, I note that the other main rooms on the ground floor have an open aspect facing the rear garden of the dwelling.
8. For these reasons, I consider that the proposal would not have an unacceptably harmful effect on the living conditions of the occupants of the dwelling. Therefore, the development would not conflict with the Development Plan, the SPD or the Framework, as referred to above.

### **Conditions**

9. The Council has suggested conditions in the event of the appeal being allowed. I have included these in my decision. In addition to the standard conditions relating to the commencement of development and the list of approved plans, a condition is also imposed requiring the use of matching external materials. This is necessary to ensure a satisfactory external appearance.

### **Conclusion**

10. For the reasons given above, it is concluded that the appeal be allowed.

Ian McHugh

INSPECTOR