



Appeal Decision

Site visit made on 22 March 2022

by David Jones BSc (Hons) MPlan MRTPI

an Inspector appointed by the Secretary of State

Decision date: 29 April 2022

Appeal Ref: APP/B3438/W/21/3284785

Land on NE side of Rivendell Lane, Leek ST13 5RH

- 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 Birchendel Holdings Ltd. against the decision of Staffordshire Moorlands District Council.
 - The application Ref SMD/2021/0145, dated 8 March 2021, was refused by notice dated 16 August 2021.
 - The development proposed is the erection of 1no. detached dwelling.
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Decision

1. The appeal is dismissed.

Main Issue

2. The main issue is the effect of the proposed development on the character and appearance of the area.

Reasons

3. The appeal site is a broadly rectangular and vacant parcel of land located on the corner of Birchall Lane and Rivendell Lane. The site is enclosed by security fencing and previously formed part of the approved residential curtilage associated with the neighbouring new build property to the north-west known as Haven View. The ground level of the appeal site slopes upwards from the south and is elevated above the level of the highway, with the properties on the opposite side of Rivendell Lane at a lower level. The surrounding area is characterised by largely detached dwellings of varying designs sat within spacious plots behind roadside boundaries and planting.
4. A previous planning application (Ref SMD/2018/0168) proposing the erection of two detached dwellings on the appeal site was refused and subsequently dismissed at appeal (Ref APP/B3438/W/18/3210497). The concerns raised in the previous scheme related to the detached dwelling referred to as 'Plot 1'. The current appeal proposal is in effect a revised scheme in relation to this plot, which seeks to overcome the concerns of the previous Inspector.
5. The proposed detached dwelling would be of 'T' shaped design and have a ridge height of approximately 6.9 metres. Accommodation would be provided over two floors, including three bedrooms and bathroom facilities being contained within its roof space. The dwelling would also be set back approximately 14 metres from the site's boundary with Birchall Lane, compared to 9.5 metres on the previous scheme.

6. The siting of the proposed dwelling further back into the site results in the development not being overly prominent in the wider vista when approaching from either direction along Birchall Lane. Particularly when approaching from the south-west, the development would only come into clear view as you arrived at the junction with Rivendell Lane. However, upon arrival at the junction the proposed dwelling would still appear an imposing and dominant feature elevated above the level of the highway.
7. Whilst it is acknowledged that the overall scale of the proposed development and the width of the Rivendell Lane facing elevation have been reduced from that of the previous scheme, it's 'T' shaped design results in the proposed dwelling being located closer to Rivendell Lane. The sites frontage with Rivendell Lane is particularly wide and exposed, and as a result the proposed dwelling would appear as an overly dominant feature within the street scene when viewed from Rivendell Lane.
8. The ridge height of the proposed dwelling would be 6.9 metres, marginally lower than that of the adjacent Haven View. However, whilst the ridge heights would be comparable, Haven View is located significantly further away from the junction of Rivendell Lane and Birchall Lane and consequently does not appear as imposing or take up as prominent position within the street scene as the appeal proposal.
9. Although it is noted that the sites ground levels would be lowered slightly, the proposed dwelling would still retain an elevated position above both the highway and existing properties on the opposite side of Rivendell Lane. The sites corner plot location and wide frontage with Rivendell Lane only further exacerbates the imposing and overly dominant nature of the development, which would be at odds with the prevailing character and appearance of nearby residential properties which are generally secluded, and sat behind their roadside boundaries, mature hedging and planting.
10. The appellant contends that the retention of the existing landscaping along the road fronting boundaries would serve to soften the impact of the development. I observed during my site visit that this planting had become established and now partially screened the security fencing which encloses the site. However, the planting was at highway level and due to the raised ground levels within the site the proposed dwelling would stand proud and be visible above the height of the current security fencing. I consider therefore that its effect upon screening or softening the impact of the proposed development would be very limited.
11. The appellant has also provided a table detailing the density of existing developments in the vicinity of the appeal site. Whilst I acknowledge that the table identifies that the density of the appeal proposal is broadly in keeping with that in the surrounding area, each development has to be assessed on its own merits. Consequently, whilst the overall density of the proposal may be acceptable, this does not overcome the site-specific harm I have identified above.
12. The proposed development would therefore conflict with Policies SS1, H1 and DC1 of the Staffordshire Moorlands Local Plan (adopted September 2020) which, amongst other things, seeks to ensure that developments respect the site and its surroundings and promote a positive sense of place through its layout, siting and character and appearance.

Other Matters

13. The appellant has referred to a single dwelling approved by the Council at a property known as Heather Hills on Birchall Lane (Ref SMD/2019/0731). Whilst there are some similarities between the schemes, including the distance the developments would be set back from Birchall Lane, each case has to be assessed on its own merits. Accordingly, the presence of the approved scheme at Heath Hills does not justify the harm which I have identified that the appeal proposal would cause.
14. A neighbour consultation response was also received in support of the proposal, with particular reference to the poor current condition of the site. Whilst I acknowledge the site's current bare and rather derelict appearance, it is largely screened from all external views by the site fencing and existing planting around the perimeter of the site resulting in its condition having a negligible impact on the wider area. In any case, the condition of the land can alter and change over time and can be improved by other means, whilst the harm I have identified that the appeal proposal would cause would be long lasting. Consequently, this matter does not outweigh the harm identified.

Planning Balance

15. The Council has recently confirmed that it cannot demonstrate a deliverable housing land supply of 5 years. Therefore, the most important policies for the determination of the application are out of date and I am taken to paragraph 11(d) (ii) of the National Planning Policy Framework (the Framework), which sets out that planning permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole.
16. I have found that the proposed development would cause harm to the character and appearance of the area. This harm would be long lasting, and as such I ascribe it substantial weight. It would be contrary to the aims of the Framework in regard to its requirements for high quality and contextually appropriate developments which function well and add to the overall quality of the area, as specifically set out by section 12.
17. The proposal would provide economic and social benefits through the construction phase and the additional contributions of the occupiers to the local economy. The one new dwelling would also contribute to the supply of housing and the Council's shortfall. Given the scale of the proposed development contributions would be modest and in some cases time limited. As such, I ascribe these benefits limited weight.
18. I accept that the appeal site is within an existing settlement and thus future occupiers would have good access to services. This would however need to be the case for the principle of the proposed development to be acceptable. It would, in any event, be a lack of harm rather than a benefit to the scheme.
19. With that in mind, the adverse impacts of the development would significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework taken as a whole. The proposal would not therefore represent sustainable development for which the presumption in favour applies.

Conclusion

20. The proposal would conflict with the development plan, when taken as a whole, and there are no material considerations, including the approach of the Framework, which would indicate a decision other than in accordance with it. The appeal should therefore be dismissed.

David Jones

INSPECTOR