
Appeal Decision

Site visit made on 14 April 2022

by John D Allan BA(Hons) BTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 17th May 2022

Appeal Ref: APP/B3438/D/22/3293049

6 Lowther Place, Leek, ST13 5BB

- 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 Ms Dale against the decision of Staffordshire Moorlands District Council.
 - The application Ref SMD/2021/0346, dated 21 May 2021, was refused by notice dated 11 February 2022.
 - The development proposed is the erection of a two storey/single-storey rear extension.
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Decision

1. The appeal is allowed and planning permission is granted for the erection of a two storey/single-storey rear extension at 6 Lowther Place, Leek, ST13 5BB in accordance with the terms of the application, Ref SMD/2021/0346, dated 21 May 2021, subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than three years from the date of this decision.
 - 2) The development hereby permitted shall be carried out in accordance with the following approved plans: Drg Nos 2021-2586-01, 2021-2586-02 Rev E and Site location plan at 1:1250 scale on Drg No 2021-2586-03.
 - 3) 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.

Procedural Matters

2. The application was amended through the submission of revised Drg No 2021-2586-02 Rev E, to which I have had regard. For clarification, the proposed elevations show a rear facing dormer to the appeal property. This was not part of the proposal that was before me although I understand from the Council officer's report that this is part of a scheme approved under Ref 09/00908/FUL and which has been partially implemented through a hip to gable change to the main roof.

Main Issue

3. The main issue is the effect of the proposal on the living conditions at 4 Lowther Place with particular regard to visual impact.

Reasons

4. The appeal property is a two-storey, semi-detached dwelling. The proposal would add a gable-ended two-storey rear extension across part of the building's rear elevation with a single-storey element across the remainder adjacent to the boundary with the attached property at No 4, and with a half-hipped, lean-to roof over.
5. The extensions would project 3m from the original rear wall of the main house. The Council's adopted *Space About Dwellings Supplementary Planning Guidance* (SPG) provides guidance for extensions that are sited close to the principal windows of existing properties. To avoid obstruction to daylight the SPG advises that extensions should not breach the horizontal angle of 45 degrees measured on plan view from the mid-point of the nearest principal window of an adjacent property and the vertical angle of 45 degrees measured on elevation from the same point.
6. The two-storey part of the extension would satisfy the Council's guidelines in both the horizontal and vertical planes. The single-storey part of the extension would satisfy the guidelines in the vertical plane but would marginally breach the horizontal plane. However, the Council points out, and accepts, that a 3m deep single-storey extension could be added to the appeal property as permitted development. On this basis they accept that the impact from the appeal proposal upon daylight to the rooms served by the nearest principal windows at No 4 would be acceptable. I have no reason to disagree with the Council's findings on this matter and am satisfied that the proposal would be of a size and scale that would have no impact upon daylight entering the adjoining rear facing ground floor kitchen or first floor bedroom at No 4 to a degree that would be significant or harmful. For these same reasons I am satisfied that the extensions would not harmfully impact the outlook from these rear facing windows.
7. Unlike the more conventional garden shapes and sizes for most other properties along Lowther Place, No 4 has a triangular plot and a limited rear garden in terms of size and shape. The common side boundary with the appeal property is straight and for No 4 extends to a depth of around 8.5m. However, the opposing side boundary is at an oblique angle meaning the garden tapers to a point at its extremity. The levels to the rear gardens on this side of Lowther Place rise up and away from the rear elevations of the properties due to the prevailing topography of the area. During my visit I was able to look directly into the rear garden space to No 4 from the various levels of the appeal site and over the existing boundary fence, which was sufficiently low. No 4 has a shallow, level patio immediately adjoining the rear elevation of the dwelling which is enclosed by a retaining structure with timber decking beyond and at a higher level leading up to the apex of the garden.
8. The rear garden to No 4 is an undeniably small space with a strong sense of enclosure. However, in my judgement this is derived principally from the oblique alignment of the western boundary, which cuts across the rear

elevation of the property with a tall boundary fence which follows the rising land levels, and from the higher land levels around it. The proposed extension would create a greater sense of enclosure to the small patio garden space immediately to the rear of No 4 from where sight of some treetops and skyline would be lost, as well as of the early morning sunrise. However, I am mindful of the potential to add a single-storey extension of an equivalent depth as permitted development and without the express need to obtain planning permission from the Council, which would have the equivalent effect.

9. The two-storey part of the proposal would be removed from the boundary with No 4 to a degree that would satisfy the Council's normal guidelines for such an addition. I am not persuaded that it would be perceived from the patio to the rear of No 4 as having any greater impact than that from the single-storey element. The entire extension would be clearly seen from the deeper parts of the garden that are raised by the decking but it would be as a well-considered domestic addition. Although some early morning sunlight would be lost to part of the garden of No 4, due to its approximately south facing orientation, the extension would not obscure direct sunlight for the remainder of the day.
10. I recognise that the constraints of the rear garden to No 4 limits the benefits to be had to the occupier from this outside amenity space. I also understand the neighbour's concerns and I accept that there would be some increased sense of enclosure and some loss of early morning sunlight from the development. However, these impacts would be felt by a single-storey extension that could be acceptably built under the terms of The Town and Country Planning (General Permitted Development) (England) Order 2015 as permitted development and I have no doubt that there would be a real prospect of such a development proceeding were this appeal to fail. This carries significant weight in the overall balance of my considerations as a realistic fallback position for the appellant, and for reasons that I have explained, I am not persuaded that the two-storey component would demonstrably add further to the impact upon No 4.
11. Overall therefore, having regard to all of these considerations, I am satisfied that the proposal would not impact upon the living conditions at 4 Lowther Place to a degree that would be harmful. As such, there would be no conflict with Policy DC1 of the Staffordshire Moorlands Local Plan 2020 (LP) insofar as it requires development to protect residential amenity. Neither can I detect any conflict with the development principles of LP Policy SS1 where they seek to create an attractive and well-designed environment, or with the objectives of the Leek Area Strategy of LP Policy SS5. For these same reasons I find no conflict with the National Planning Policy Framework as it seeks to create a high standard of amenity for existing and future users. LP Policy H1 is referenced within the Council's reason for refusal but this relates to the construction of new dwellings and is not relevant to the case that is before me.

Other Matters

12. I have noted concerns expressed by some other nearby residents. There is no substantive evidence to suggest that the proposal would impact levels of daylight or sunlight to the opposing neighbouring property at No 8 Lowther Place, nor any others further afield. The extension would be clearly seen from the neighbouring garden at No 8, and others nearby, but I am satisfied that it

would appear as a well-considered and integrated addition that would be appropriately domestic in scale and form, appearing neither intrusive nor overbearing. I note my findings here are consistent with those of the Council. Suggestions that the planning application was not properly advertised have been refuted by the Council.

Conditions

13. A condition specifying the relevant plans is necessary as this provides certainty. In the interests of maintaining the character and appearance of the area a condition is required to ensure that the proposal is finished with materials that would match the existing.

Conclusion

14. For the reasons given, in the absence of any other conflict with the development plan and having regard to all other matters raised, the appeal is allowed.

John D Allan

INSPECTOR