

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/M3455/D/22/3291929

33 Warwick Street, Shelton, Stoke-on-Trent, ST1 4JX

- 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 Touqeer Nazar against the decision of Stoke-on-Trent City Council.
 - The application Ref 67193, dated 16 September 2021, was refused by notice dated 24 November 2021.
 - The development proposed is the erection of a double-storey side extension and replacement of rear extensions with a single-storey extension.
-

Decision

1. The appeal is allowed and planning permission is granted for the erection of a double-storey side extension and replacement of rear extensions with a single-storey extension at 33 Warwick Street, Shelton, Stoke-on-Trent, ST1 4JX in accordance with the terms of the application, Ref 67193, dated 16 September 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 001 Rev B, 002 and 003.
 - 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.

Main Issue

2. The main issue is the effect of the proposal on the living conditions of adjoining occupiers with particular regard to visual impact and light.

Reasons

3. The appeal property is a two-storey, end of terrace dwelling positioned at the terminal end of a short stretch of residential no-through road. The proposal is to extend the property sideways at two-storey and to replace an existing single-storey extension to the rear with one wider and marginally deeper.

4. The side extension would project close to, but not directly adjoining the plot's side boundary, which is marked by an approximately 1.8m high close boarded fence. This boundary also marks the rear boundary of gardens to a terrace of four town houses at Nos 74-80 (even) Etruria Vale Road. These properties are on a lower level and the boundary fence sits on top of a tall retaining structure at the foot of these adjoining gardens. The extension would align with and span approximately the full width of the plot at 76 Etruria Vale Road. The Council describes the rear facing first-floor windows to the adjoining town houses as being approximately level with the ground level at No 33. However, I saw for myself that the first-floor windows can be clearly seen above the height of the side boundary fence to No 33 when viewed from Warwick Street. Whilst there is considerable levels change between these neighbouring developments, in my assessment the difference is not as severe as that suggested by the Council.
5. The Council states that the side extension would be around 10.5m away from the rear elevation of the town houses and from No 76 in particular. I have no reason to dispute this figure however there is no clear evidence before me to suggest that this separation would breach any specific guideline within the Council's '*Urban Design Supplementary Planning Document*' (SPD), which is referenced within the officer's report.
6. There is no suggestion from the Council that the rear gardens to adjacent properties in Etruria Vale Road are substandard in depth or that they provide unacceptable levels of amenity for the occupiers. The outlook from the rear of No 76 is already constrained, to a degree, by the retaining structure at the foot of the garden and the visual presence above of the gable end to No 33. The side extension would bring the built form of No 33 closer to the appeal site's side boundary and rear garden boundary to No 76 by around 2.9m according to the Council. However, the addition would be residential in scale and appearance and, when seen in the rear outlook from No 76, and more obliquely from the other adjoining town houses, it would be against the backdrop of the existing gable end to No 33. I accept that there would be some further sense of enclosure to the outlook and rear setting of No 76, but I am not persuaded that the change would materially alter the existing arrangement to a degree that would harm the living conditions of these, or any other adjoining neighbours along Etruria Vale Road.
7. There is an inconsistency between the reasons for refusal that are recommended within the officer's report and those that appear on the decision notice. Both reasons for refusal on the decision notice reference alleged impact on neighbouring first-floor windows whereas the officer's report implies that the development would have an unacceptable impact upon light to neighbouring ground-floor rear rooms. Given the size of the rear gardens to the adjacent properties along Etruria Vale Road I am satisfied that the proposal would have no effect upon light to these properties' ground-floor windows.
8. The appeal property has an existing single-storey rear extension set close to the side common boundary with the attached property at No 31. The Council disregard this addition on the basis that no planning history exists for its construction. Notwithstanding, the extension appeared to me to be long established and there is no substantive evidence to suggest its presence is unlawful. The proposed extension would occupy a similar position to the

existing albeit set fractionally closer to the boundary with No 31 and marginally deeper, whilst at the same time slightly lower in height to eaves level. Both the existing and proposed rear extensions would breach a 45-degree line projected from the nearest ground floor window of the neighbouring property. However, I have again been presented with no clear evidence to suggest that this arrangement would breach any specific guideline within the SPD. Regardless, I am not persuaded by any evidence that the alternative form of the rear extension proposed to No 33 would significantly change the levels of light penetrating the rear ground or first-floor facing windows to No 31.

9. Based on my findings, I am satisfied that there would be no harm to the living conditions of any adjoining or nearby occupiers in terms of visual impact or light. I am therefore unable to detect any conflict with the parts of Policies R13, R15, or R19 of the SPD that have been referenced within the officer's report as they relate to these issues. Neither do I find conflict with Policy CSP1 – *Design Quality* of the Newcastle-under-Lyme and Stoke-on-Trent Core Spatial Strategy 2006-2026 insofar as it requires the creation of successful living spaces from development that is well-designed and which respects the character and context of its surroundings, or with the National Design Guide or the National Planning Policy Framework as they relate to the quality of living environments and the standard of amenity for users.

Conditions

10. 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

11. For the reasons given, and in the absence of any other conflict with the development plan, the appeal is allowed.

John D Allan

INSPECTOR