



Appeal Decision

Site visit made on 2 June 2022

by Nigel Harrison BA (Hons) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 06 June 2022

Appeal Ref: APP/B3410/D/22/3293489

1A Lordswell Road, Burton-upon-Trent, Staffordshire, DE14 2TA

- 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 Troy Kendrick-Thorpe against the decision of East Staffordshire Borough Council.
 - The application Ref: P/2021/01062 dated 4 August 2021, was refused by notice dated 6 December 2021.
 - The development proposed is a two-storey extension for car port and extension of bedroom over and a single-storey side extension to lounge.
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Decision

1. The appeal is allowed, and planning permission is granted for a two-storey extension for car port and extension of bedroom over and a single-storey side extension to lounge at 1A Lordswell Road, Burton-upon-Trent, Staffordshire, DE14 2TA in accordance with the terms of the application, Ref: P/2021/01062 dated 4 August 2021, subject to the following conditions:
 - 1) The development hereby permitted shall be carried out in accordance with the following approved plans: 7040:3 dated August 2021.
 - 2) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 the car port/parking space provided as part of the development hereby approved shall be made available at all times for the parking of vehicles in relation to the residential use of the premises, unless planning permission for any alternative use has first been granted by the Local Planning Authority.

Procedural Matter

2. The proposal is partly retrospective, as one of the two side extensions has already been built, though not fully completed.

Main Issue

3. The one main issue is the effect of the development on the character and appearance of the host dwelling and the street scene in Lordswell Road and surrounding area.

Background

4. There is an extant planning permission for two single-storey side extensions, one to the north-east elevation and one to the south-west elevation. The proposed south-west extension would be the same as shown on the previously

approved plans and could be built. Consequently, there is no dispute between the parties concerning this element of the scheme.

5. Therefore, my concerns relate to the car port/bedroom extension on the north-east side. This has been built, but as a one-and-a half storey building with car port below and habitable room above rather than the single-storey extension as approved.
6. The main differences in dimensions between approved and proposed schemes are a height increase of 1.3m to the ridge and a 0.7m projection forward of the front elevation (the approved scheme is flush with that elevation). Other changes include grey UPVC cladding instead of timber cladding, and the addition of two small roof lights. However, it was evident at my site visit that the cladding to the side and rear elevations shown on the submitted plans had not been fixed.

Reasons

7. Policy SP24 of the *East Staffordshire Local Plan* (LP) says development proposals must contribute positively to the area and reinforce character and identity through local distinctiveness. LP Policy DP1 expands on this aim with specific reference to the design of new development and DP3 requires householder extensions to have no materially harmful effects on neighbouring properties through issues including overlooking, loss of light, or an overbearing impact. Similarly, the *Shobnall Neighbourhood Plan* (NP) encourages high quality design which responds to the positive aspects of the built environment.
8. Amongst other things the *East Staffordshire Design Guide* (SPD) says extensions should not detract from the character of a building, should be subservient to it in scale and form, and the visual integrity of the original building should not be compromised by the extension.
9. The appeal property is a modern dwelling incorporating some traditional design features located on a narrow plot between Lordswell Road at the front and an access road (also a public footpath) to the rear. In contrast, the remainder of the street scene in Lordswell Road is dominated by mainly detached dwellings dating from the 1980s in a variety of styles and sizes, though the houses opposite the appeal property are dominated by forward projections with extensive areas of roof. Wide gables and flat roofs are common features in the vicinity. Although spaciouly laid out and well landscaped, the area is suburban in character and exhibits no strong prevailing character or especially local distinctiveness. In this regard the NP confirms that this character area demonstrates diverse architectural styles.
10. The Council says the car port/bedroom extension would be a disproportionate addition to the dwelling and would appear incongruous within the street scene.
11. Although there would be a larger expanse of roof facing the street, I do not find this necessarily harmful in design terms, particularly in the context of the prominent sweeping roofs of the houses opposite. Whilst the extension would project forward of the front elevation, it is modest in scale and bulk compared with the existing dwelling and I am satisfied that it would read visually as being subservient to the main dwelling, as required by the SPD.

12. Although a different cladding material is proposed to that previously approved, I am satisfied that this would not at odds with the style and materials palette of the existing dwelling.
13. Paragraph 130 of the *National Planning Policy Framework* (the Framework) says planning decisions should ensure that developments add to the overall quality of the area and are sympathetic to local character and the surrounding built environment. Overall, I am satisfied that the proposal represents an acceptable design solution that would harmonise with the style of the dwelling and would respect the character and appearance of the street scene in Lordswell Road, and the surrounding area. As such, I find no conflict with LP Policies SP24, DP1 and DP3, the NP, and the advice in the SPD.

Other Matters

14. Paragraph 199 of the Framework makes it clear that when considering the impact of a proposal on the significance of a designated heritage asset (including development that may affect the setting of an asset, great weight should be given to the asset's conservation.
15. The proposed extensions would be some 120m away from the closest listed building (Grade II listed Shobden Grange), well screened by the topography and vegetation, and would have no impact on its significance in terms of setting. This also applies to another Grade II listed building (Sinai Park), which is located about 600m to the south-west. The low-lying linear Trent And Mersey Canal Conservation Area is so far away from the appeal site that there is no inter-relationship or impact on its setting.
16. As such, the Council concluded that the proposed development would not be harmful to the settings of these designated heritage assets and would not diminish the way in which their settings contribute to their significance. Based on my own observations I find no reason to disagree.

Conditions

17. Although no commencement condition is needed, a condition requiring the development to take place in accordance with the submitted plans is justified for the avoidance of doubt.
18. The Council has suggested a condition for the parking area (car port) to be surfaced and drained to ensure that surface water does not flow onto the highway. However, the reason for the condition (to avoid vehicles parking on the highway) does not appear to logically correspond. Therefore, I shall not impose it. In any event the suggested condition for the car port to be made available at all times for parking does cover this matter and is justified in the interests of highway safety.

Conclusion

19. Therefore, for the reasons given above and taking into account all other matters raised, including the comments of the Shobnall Parish Council, I conclude that the appeal should be allowed.

Nigel Harrison

INSPECTOR