

Appeal Decision

Site visit made on 26 July 2022

by N McGurk BSc (Hons) MCD MBA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 17 August 2022

Appeal Ref: APP/B3438/D/22/3300252
Roxboro, 155 Congleton Road, Biddulph, ST8 6QJ

- 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 and Mrs Cox against the decision of Staffordshire Moorlands District Council.
 - The application Ref SMD/2022/0033, dated 21 January 2022, was refused by notice dated 11 March 2022.
 - The development proposed is demolition of conservatory and two storey rear extension.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues in this case are the effect of the proposed development on the character and appearance of the area; and its effect on the living conditions of neighbouring occupiers, with regards to outlook, sunlight and privacy.

Reasons

Character and appearance

3. The appeal property is a two storey detached dwelling fronting Congleton Road. It is located in a predominantly residential area, although there is also a petrol station and shop opposite the house.
 4. The appeal property is set back from the road behind a front garden and has a large driveway to the side, leading to a single storey detached garage. There is a garden to the rear and the house is built close-up to its northern boundary with its neighbouring property to the north along Congleton Road.
 5. The surrounding area is characterised by two storey detached and semi-detached dwellings along Congleton Road and by the presence of modern two storey detached dwellings to the rear of the appeal property. Whilst dwellings along Congleton Road tend to sit towards the middle of large garden plots, the dwellings to the rear of the appeal property tend to have relatively short rear gardens and longer driveways and front gardens.
 6. The presence of gardens and gaps between dwellings and pairs of dwellings, combine with grass verges, hedgerows and street trees to provide for an attractive green and spacious environment.
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7. During my site visit, I observed that many dwellings in the area have been altered and/or extended and that in general, such changes appear in keeping with host properties and with the surrounding area.
8. The proposed development would extend the appeal property to the rear by way of a two-storey addition. It would introduce two gable roofs which would, I find, introduce a visually awkward roof-form, at odds with the main hipped roof and unlike the appearance of the generally simple roof-forms common to the wider area.
9. I find that the proposed roof-form would combine with the overall scale of the proposal, whereby it would extend across much of the rear of the house and would project considerably to the rear at two-storey height. The proposal would, as a consequence, result in an unduly dominant extension that would fail to appear as a subordinate addition to the host property.
10. Taking the above into account, I find that the development would harm the character and appearance of the area, contrary to the National Planning Policy Framework (the Framework); to Local Plan¹ Policy DC1; and to the Council's Design SPD², which together amongst other things, seek to protect local character.

Living Conditions

11. As noted above, the proposed development would project well to the rear at two storey height.
12. During my site visit I observed the appeal property's relationship with its immediate neighbour to the north. In this regard, whilst the proposed development would project to the rear at considerable height, it would only just reach into the sight-line of its close neighbour's nearest rear facing window – that of its kitchen.
13. Given this, along with the evidence submitted, I am satisfied that any impacts on the outlook of the occupiers of this neighbouring property, or on the amount of sunlight received by the neighbouring property, would not be significant.
14. However, in projecting to the rear at two storey height for the distance that it does, the proposal would result in three new rear-facing windows looking out towards the rear-facing windows of houses to the rear of the appeal property.
15. The proposal would result in the new windows being separated by only around 20 metres from the rear-facing windows of Number 6 Wrexham Close. I find that this would be detrimental to the privacy of the occupiers of that property. The harm arising from this would be exacerbated as a result of the overall design of the proposed extension – whereby its overall dimensions and incongruous roof form would lead it to appear unduly dominant when seen from No 6; and this would not be mitigated to any considerable extent by the juxtaposition of the two dwellings.
16. Consequently, I find that the proposal would harm the living conditions of neighbouring occupiers, with regards to privacy and outlook. This would be

¹ Staffordshire Moorlands Local Plan (2020).

² Staffordshire Moorlands District Council Design Guide Supplementary Planning Document (2018).

contrary to the Framework and to Local Plan Policy DC1, which together amongst other things, seek to protect residential amenity.

Conclusion

17. For the reasons given above, the appeal does not succeed.

N McGurk

INSPECTOR