



Appeal Decision

Site visit made on 18 October 2022

by A Veevers BA(Hons) PGDip (BCon) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 24th November 2022

Appeal Ref: APP/X3405/W/22/3302349

25 Coppice Road, Rugeley, Staffordshire WS15 1LT

- 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 Graham Elwell, C Elwell Transport (Repairs) Ltd against the decision of Cannock Chase District Council.
 - The application Ref CH/22/0048, dated 8 February 2022, was refused by notice dated 8 June 2022.
 - The development proposed is erection of 3 bedroomed detached dwelling.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are:
 - The effect of the proposal on the character and appearance of the area; and,
 - Whether the proposal would provide acceptable living conditions for the occupants of neighbouring properties with particular regard to privacy and, outlook; and,
 - Whether the proposal would provide acceptable living conditions for future occupiers, with particular regard to privacy and outlook.

Reasons

Character and Appearance

3. The area in which the appeal site sits is typically suburban in character. There is a regularity of dwelling types and largely consistent appearance, broadly comprising two storey semi-detached or blocks of rendered dwellings. The appeal site forms part of the rear/side garden of 25 Coppice Road (No.25), a semi-detached dwelling on a corner plot. Whilst the garden of No.25 is reasonably large, it is steeply sloping. A small parking area at the junction of Coppice Road and Hislop Road and a further parking area on Hislop Road opposite the garden of No.25 give a spaciousness to its corner location.
4. As a result of the location, height and detached form of the proposal, it would appear as an isolated and incongruous building in the street scene. The front elevation of the proposed dwelling would face towards Hislop Road which would be in stark contrast to the gabled dwellings of No.25 and 47 Hislop Road (No.47). The prominence of this orientation would be exacerbated by the

minimal set back of the proposed dwelling from the road frontage, its siting forward of the adjoining gable elevations and the sloping nature of the site. Although properties on the opposite side of Hislop Road front the road, these form a continuous row of established housing and are therefore seen in a different context.

5. The proportions and layout of the proposal, including the short rear garden length, would be comparable to some nearby properties. The appearance of the proposed dwelling draws on features common on surrounding properties such as a gabled roof and render as a main material. Nonetheless, although not presenting a cramped form of development, due to the scale of the proposed building on this sloping and open site, the scheme would appear unduly prominent, undermining the homogenous character of the street.
6. Whilst the garden to No.25 is larger than many others in the area and even though there are examples in the area of dwellings that are sited on higher or lower land to the roads they front, in the context of its immediate surroundings, the proposal would not sit comfortably within the street. I acknowledge No.47 is sited close to Hislop Road; however, the gable elevation of that building faces the road, rather than the front, as would be the case in the appeal scheme. Furthermore, the appeal proposal would be sited centrally between No.47 and No.25 and would be a singular conspicuous feature against the backdrop of surrounding gardens.
7. My attention has been drawn to the apparently similar relationship between 21/23 Coppice Road with 56 Hislop Road (No.56) with regards layout. Nevertheless, No.56 is a semi-detached dwelling at one end of a row of similarly positioned semi-detached dwellings. The orientation of dwellings surrounding the appeal site is significantly different and therefore not comparable.
8. Therefore, the proposed development would unacceptably harm the character and appearance of the area. It would fail to accord with Policy CP3 of the Cannock Chase Local Plan (Part 1) 2014 (CCLP) which, amongst other things, seeks development that complements the character and appearance of the local area. It would also conflict with the Framework¹ as it seeks those aims through well-designed places and developments.

Living conditions for occupiers of neighbouring properties

9. The front elevation of the proposed dwelling would directly face No.56, which is sited at a lower land level to the appeal site. Although Hislop Road intervenes, the separation distance between the main front room windows of No.56 and the bedroom windows of the proposed dwelling would be significantly less than the 21.3m advocated in the SPD². Consequently, views into the rooms of No.56 would be readily attainable, resulting in overlooking.
10. The existing outlook from No.56 towards the site is relatively open with only angled views at some distance towards No.25 and views of the boundary fencing and parking area belonging to No.47. Whilst the proposed dwelling would be clearly visible to occupiers of No.56, open space either side of the proposal would remain, offering relief from the overall outlook and reducing

¹ National Planning Policy Framework

² Design Supplementary Planning Document April 2016

any sense of enclosure. Therefore, the appeal scheme would not have an unacceptable effect on the outlook of the occupiers of No. 56.

11. The rear bedroom window of the proposed dwelling would overlook the rear garden of 27 Coppice Road (No.27), which is long and vegetated along the boundary with No.25. The proposed rear garden length falls short of the 10m suggested in the SPD and there would be no guarantee existing vegetation would be retained. However, given the sloping nature of the garden and the position of the proposal, the most private area closest to No.27 would be angled, limiting the degree of overlooking. Moreover, some overlooking of gardens is inevitable and tolerable in residential areas and already occurs to some degree. As a result, there would be no unacceptable effect on overlooking towards No.27.
12. Notwithstanding the above, the proposed development would provide unacceptable living conditions for the occupants of No.56, with particular regard to overlooking. It would fail to accord with Policy CP3 of the CCLP and conflict with guidance within the SPD and the Framework which all seek, amongst other matters, to achieve good design and protect the amenity enjoyed by existing properties.

Living conditions for occupiers of the proposed dwelling

13. For similar reasons to those set out above, due to the relationship between main windows, views from occupiers of No.56 into the main rooms of the proposed dwelling would be readily attainable, resulting in overlooking. I have been referred to the building line along Hislop Road and an example of a similar interface distance between main windows as those proposed. However, there are no other front to front facing properties along Hislop Road with a similar limited interface distance. Whilst the distance between the front elevation of 52 Hislop Road and the gable elevation of No.47 is comparable, there are no main room windows on the gable elevation of No.47.
14. Although the Council refer to the substandard rear garden length of the proposal, the overall amount of private amenity space for occupiers of the proposed dwelling would be acceptable. Given the orientation of the proposal perpendicular to No.25 and No.47, no significant overlooking or effect on outlook would occur as a result of the shorter garden length.
15. Accordingly, the proposal would provide unacceptable living conditions for future occupiers, with particular regard to privacy and would therefore fail to accord with Policy CP3 of the CCLP and conflict with guidance within the SPD and the Framework which all seek, amongst other matters, to achieve good design and amenity.

Conclusion

16. For the above reasons, having considered the development plan as a whole, and all other material considerations, I conclude that the appeal should be dismissed.

A Veevers

INSPECTOR