

Appeal Decision

Site visit made on 6 December 2022

by John Whalley

an Inspector appointed by the Secretary of State

Decision date: 22 December 2022

Appeal ref: APP/B3438/D/22/3305540

Brampton, Cheddleton Road, Leek ST13 5QZ

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal of planning permission.
 - The appeal is made by Mr J McNerney against the decision of Staffordshire Moorlands District Council.
 - The application ref. SMD/2021/0847, dated 21 December 2021, was refused by a notice dated 17 June 2022.
 - The development proposed is the extension and alterations to the dwelling, Brampton, Cheddleton Road.
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Decision

1. The appeal is allowed and planning permission is granted for extending and altering the dwellinghouse and the erection of a single storey side extension to the dwelling at Brampton, Cheddleton Road, Leek ST13 5QZ in accordance with the terms of the application, ref. SMD/2021/0847, dated 21 December 2021, subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
 - 2) The development hereby permitted shall be carried out in accordance with the following approved plans: 01075 - AL(0)01 Plans & Site as Existing; 01075 - AL(0)02 Elevations as Existing; 01075 - AL(0)03 F Plans & Site as Proposed; 01075 - AL(0)04 E Elevations as Proposed; 01075 - AL(0)05 F Site Block Plan; 01075 - AL(0)06 E Sections & Plans as proposed.
 - 3) The development hereby permitted shall not be occupied until the windows in the north elevation of the dwelling Brampton have been fitted with obscured glazing and fixed shut. Details of the type of obscured glazing shall be submitted to and be approved in writing by the local planning authority before the windows are installed and once installed the obscured glazing shall be retained thereafter.
 - 4) The development hereby permitted shall not be occupied until the northern boundary wall or fencing of the dwelling Brampton with the dwelling Four Winds has been erected. Details of the type of walling, fencing or other form of enclosure shall be submitted to and be approved in writing by the local planning authority and shall be retained thereafter.

Main issues

2. The main issues are:

- i. would the enlarged dwelling unacceptably harm the character and appearance of the existing building and its immediate surroundings?
- ii. would the alterations have a materially adverse effect on the amenity of the house "Four Winds" next door?

Reasons

3. The appeal dwelling, Brampton, is a 2/3 storey 1960/70s detached house. It is sited elevated well above Cheddleton Road, accessed by a narrow, steep drive with a shared driveway access from the main road. It is built with mostly red and buff brickwork with a grey tiled roof. Neighbouring houses vary in size, height and design. Next door to the north is Four Winds, a large low single story house, built on land some way below Brampton. Just to the south of Brampton there is a large detached 2 storey house, Hill Croft, on higher ground.
4. The appeal proposals are extensive. In brief, a 2 storey full width extension 5m deep with 2 gables with full height glazing would be built to the rear of the house. There would be a narrow extension from the side elevation at first floor, onto the patio at the side. A plant room would be built, its roof extending the first floor patio. The flat roof at first floor level would be replaced and rebuilt, its flat roof providing a second storey roof terrace balcony. A double fronted, flat roof brick garage would be built at ground floor with a patio above. A new driveway and retaining wall would be built on the existing front lawn.
5. The Council said the Appellant, Mr McNerney's proposal was not a good design. It did not respect of local distinctiveness or the character and appearance of the area. They said the alterations would create a development at odds with the original character of the dwelling and those in the locality. I disagree. The Appellant noted that the existing house, with its wraparound flat roofed projection to its front/side and windows at first floor level were typical of the period, having produced a dwelling with a neutral impact on the character of the area but exhibiting little traditional vernacular architectural detailing. A generous assessment, in my view, of this tall and prominent dwelling that has little or no visual or architectural merit, especially when seen in the context of its neighbours, both old and new. It looks most in need of improvement.
6. Nevertheless, following Council concerns on the likely visual impact of the original scheme and possible harm to neighbouring amenity, amendments were made and submitted. They changed the rear extension to project 5m at ground floor and 4m at first floor. Proposed twin gable features were also omitted from the front elevation.
7. The originally proposed alterations to the dwelling's front elevation, the new garage building and parking area were considered to have been at odds with what the Council described as the vernacular or more conventional character of the dwellings each side. Much of the existing look of the dwelling at Brampton would also go. But I do not agree with the Council that any unacceptable harm to either the appearance of the existing dwelling or the immediate area would be caused by the amended scheme. There would be a substantial change to the existing house. As a result of works at Brampton its new appearance might

have more in common with the look of the extended houses at The Oaks and Larkshill. That would not, in my consideration, be an unacceptable change to the street scene. My conclusion on the first issue is that the enlarged dwelling would not unacceptably harm the character and appearance of the existing building or its immediate surroundings.

8. Turning to the likely effect on the residential amenities enjoyed by the occupiers of Four Winds, the Council had said the 2 storey side wall of the addition to the rear elevation, positioned adjacent to the southern garden boundary of the neighbour at Four Winds, would overshadow and block light to a significant area of the neighbour's garden and their conservatory. The side wall would appear imposing, overbearing from that neighbour's property, adversely and unreasonably affecting the amenity enjoyed by the occupiers. The development would thus be contrary to policy DC1 of the SMDC Local Plan.
9. The owner of Four Winds had objected to the originally proposed layout of the new works at Brampton. That first layout had proposed a two-storey extension that projected 5m from the rear elevation of the dwelling. Following concerns about the impact of that proposal on neighbouring residential amenity, the current layout was amended, reducing the first-floor projection to 4m, the ground floor extending to 5m as originally proposed. The proposed 2 storey rear extension would be 4m from the existing northern site boundary of Brampton, with a total of 11m to the southern face of the conservatory to Four Winds. The Appellant had shown that the proposed development would not conflict with the Council's 45 degree overshadowing standard.
10. The owner of Four Winds withdrew her objection to the application having also been assured by the Appellant about the provision of obscure glazing to the side facing windows and the offer of an improved boundary. As a result, I consider that the amended proposed development would not give rise to any material adverse harm to the amenity of the neighbouring residential occupier at Four Winds by reason of loss of light, overshadowing or overbearing impact. Accordingly, the requirements of policy DC1 of the Local Plan are met.
11. I conclude that planning permission should be granted for the proposed amended extension works to the house Brampton. The general condition limiting the duration of the permission is applied, (s.91 of the Act), as is a condition defining the amended scheme, the requirement to provide obscure glazing and to provide a suitable boundary treatment to the site's northern boundary with Four Winds.

John Whalley

INSPECTOR