



Appeal Decision

Site visit made on 8 January 2023

by Sarah Colebourne MA, MRTPI

an Inspector appointed by the Secretary of State

Decision date: 13 February 2023

Appeal Ref: APP/Y3425/D/22/3306800

Ben Rhydding, Long Lane, Derrington, Stafford, ST18 9LL

- 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 Mrs Alice Waters against the decision of Stafford Borough Council.
 - The application Ref 21/35303/HOU, dated 15 November 2021, was refused by notice dated 22 June 2022.
 - The development proposed is a ground and first floor side extension and first floor rear dormer roof extension.
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Decision

1. The appeal is dismissed.

Main issues

2. The main issues in this appeal are the effect of the proposed development on:-
 - the character and appearance of the dwelling;
 - the living conditions of the neighbouring occupiers of Wimbourne in terms of privacy.

Reasons

Character and appearance

3. The development plan includes policy C5(C) of The Plan for Stafford Borough 2011-2031 (2014) which sets out a limit for extensions of no more than 70% of the dwelling as originally built in areas outside identified settlements unless the design and appearance of the proposed extension is proportionate to the type and character of the existing dwelling and the surrounding area. Policies N1g and N1h of the Plan require that proposals are of a high standard of design and have regard to the local context. The National Planning Policy Framework also places great emphasis on high quality design and requires that developments add to the overall quality of the area.
4. The appeal site comprises a traditional, hipped roof semi-detached bungalow located on a rural lane outside the village of Derrington. Although it sits within a row of mainly large, detached dwellings on Long Lane, this pair of dwellings occupy large, well screened plots and as such, are seen in isolation and the other dwellings are not clearly seen within the same context.

5. The two dwellings are not symmetrical in design. The appeal dwelling appears to have been previously extended some time ago with a small flat roof side extension which would be demolished as part of this proposal. Its neighbour, Wimbourne, has been more recently extended with a large side extension which is flush with the main front elevation and has extended the main ridge to the side with a hipped roof. That extension was approved by the Council in 2016.
6. The proposed development includes a side extension which would be similar to that approved at the neighbouring dwelling, albeit set back from the front elevation slightly with a slightly lower ridge. The Council has not raised any objection to this element in terms of character and appearance and given its similarity to the neighbouring extension, I agree that this would be acceptable in this regard.
7. It has, however, objected to the first floor dormer roof extension which would extend across most of the existing rear roof slope and across part of the extended rear roof slope. It would therefore occupy most of the rear roof slope and by reason of its siting, size and scale, would be unduly bulky and disproportionate to the scale of both the existing bungalow and if it were extended with the side extension. The neighbouring dwelling does not contain any dormers and I disagree with the appellant that the proposed dormer would result in a more balanced appearance. I have noted that the rear of the site is very private and that the dormer would not be seen from the lane and only from the rear of the neighbouring dwelling. However, the Council's policy requires that proposals have regard to character as well as to appearance. Character is not dependent upon visibility from the surrounding area but is an intrinsic element of good design.
8. Whilst roof additions can be added to a dwelling under permitted development rights, including a hip to gable extension and a box dormer, I have not been provided with any evidence to indicate that such extensions would be significantly more harmful than what is proposed here or that those extensions would be acceptable to the appellant and are a likely possibility.
9. Regardless of the appellant's argument that the Council has not accurately assessed whether the proposal falls below the 70% threshold, the proposed dormer would not be proportionate to the dwelling and does not constitute a high standard of design. I conclude, therefore, that it would cause significant harm to the character of the dwelling, contrary to the development plan policies referred to above.

Living conditions

10. The proposed extension includes a first floor south-facing bedroom window which would overlook the rear of the neighbouring property, Wimbourne, at a distance of some 11m. I have noted that the extension would be outside a line of 45° from those rear facing windows. The extension would slightly exceed the distance between principal windows required by the Council's Supplementary Planning Document 'Design' (SPD) by 0.5m but in any case, the SPD provides guidance only.
11. At my visit I saw that the main garden for Wimbourne lies to its side and is of a generous size. I was able to look over the side boundary wall which separates the rear garden of the appeal site from the rear of Wimbourne. Although it is

separated in part from the appeal site by a small rear flat roofed extension, that would not make a significant difference to any overlooking given that the proposed window would be at first floor level. However, I noted the short distance from the rear elevation to the rear boundary and the restricted size and outlook of the rear area limits its useability. The area comprises a narrow area of hardstanding and does not appear to be used as a sitting out area but as a storage area only.

12. Whilst there would be some degree of overlooking of that area from the proposed window, given that the principal area of useable garden to the side would not be overlooked, I am satisfied that the proposal would not result in a significant loss of privacy and would not harm the living conditions of the neighbouring occupiers of Wimbourne. There is, therefore, no need for me to consider whether there are any conditions that would satisfactorily mitigate the impact of any overlooking. The proposal would accord with policy N1e in The Plan which requires that proposals have regard to residential amenity.

Conclusion

13. For the reasons given above, although I have found that the proposed development would not cause harm in terms of living conditions, my findings in regard to the character of the existing dwelling are significant and overriding. I conclude that the appeal should be dismissed.

Sarah Colebourne

Inspector