



Appeal Decision

Site visit made on 16 February 2023

by K Ford MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 21 March 2023

Appeal Ref: APP/B3410/D/22/3307505

105 Horninglow Street, Burton upon Trent, Staffordshire DE14 1PJ

- 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 S Bibi against the decision of East Staffordshire Borough Council.
 - The application Ref P/2022/00112, dated 28 January 2022, was refused by notice dated 21 September 2022.
 - The development proposed is demolition of garage/ storage and utility area to facilitate the erection of a part 2 storey part single storey rear/ side extension with Juliet balcony.
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Decision

1. The appeal is dismissed.

Preliminary Matter

2. I have used the description of development that is contained within the Council's Decision notice and appeal form as it succinctly and comprehensively describes the development proposed.

Main Issues

3. The main issues are:
 - Whether the development would preserve or enhance the setting of the Grade II Listed Buildings at 107-113 Horninglow Street.
 - The effect on the living conditions of future occupants of the dwelling.

Reasons

Heritage Assets

4. The appeal site is a 2 storey double fronted semi detached house with a 2 storey flat roof rear extension and single storey side extension which is partially visible from Horninglow Street. The extensions detract from the appearance of the street scene.
5. Opposite the site are commercial premises and to the south is a row of listed buildings 107-113 Horninglow Street which are Grade II Listed. They comprise a symmetrical range of cottages dating from the early 19th Century. Their importance derives in part from their age and distinctive appearance.

6. The scale and massing of the proposal would extend the amount of built development and overall size of the extended building leading to a more dominant appearance within the street scene. Although the existing extensions to the property do not have a positive impact on the street scene this does not make the proposal acceptable.
7. The appellant identifies that the proposal would not harm the setting of the Listed Buildings by virtue of the distance that separates them from the appeal site. However, the development would be clearly visible from public vantage points and be seen in conjunction with the Listed Buildings, detracting from the Listed Buildings.
8. The development would lead to less than substantial harm to the setting of the Listed Buildings within the meaning of paragraph 202 of the National Planning Policy Framework (NPPF). Paragraph 202 of the NPPF says that where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset this should be weighed against the public benefits of the proposal.
9. There would be benefits to the owner in their use of the property but these would be personal. There would be very minor economic benefits associated with the construction of the development but given the scale of the proposal I give this little weight. There are no public benefits of sufficient weight to outweigh the less than substantial harm that would arise from the development on the setting of the heritage asset. The proposal would therefore be contrary to the policies in the NPPF on heritage assets.
10. The development would not preserve or enhance the setting of the Listed Buildings at 107-113 Horninglow Street. It would consequently conflict with Policy SP1, SP24, SP25, DP1, DP3 and DP5 of the East Staffordshire Local Plan. These policies include a requirement for new development to respond positively to the context of the surroundings and integrate with the character of the area. They also require new development to protect, conserve and enhance heritage assets and their settings.

Living Conditions

11. I note the appellant's reasons for the proposal. However, on the ground floor the main living area would provide 2 high level windows creating a poor outlook to the side of the dwelling. The proposed changes to the first floor would mean that there would no longer be a need to walk through bedroom 3 to access bedroom 4. Nevertheless, the reconfiguration would create an awkward incongruous layout with an extremely long corridor of some 19 metres with right angle turns from the top of the stairs to bedroom 5. I consider this would be more detrimental to the living conditions of the occupants of the dwelling than the shortcomings of the current arrangements.
12. Overall, the development would create a poor living environment for the occupants of the dwelling. It would therefore conflict with Policies SP1, DP1 and DP5 of the Local Plan which requires compliance with the East Staffordshire Design Guide. Amongst other things, the guide identifies that good design includes efficiency in the way circulation and movement is accommodated and that consideration should be given to views into and out of development.

Conclusion

13. The scheme would conflict with the development plan as a whole and there are no considerations that indicate the decision should be made other than in accordance with the development plan.
14. For the reasons identified and taking into account all other matters, including the appellant's reference to the views of the occupants of neighbouring dwellings, the appeal is dismissed.

K Ford

INSPECTOR