



Appeal Decision

Site visit made on 5 September 2023

by Eleni Randle BSc (hons) MSc FRICS FAAV MRTPI

an Inspector appointed by the Secretary of State

Decision date: 18 September 2023.

Appeal Ref: APP/M3455/D/23/3326342

16 Jersey Crescent, Lightwood, Stoke on Trent, ST3 4TJ

- 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 Mohammed Hussain against the decision of Stoke on Trent City Council.
 - The application Ref 69105 dated 25 April 2023, was refused by notice dated 10 July 2023.
 - The development proposed is single storey front extension, single storey and 2 storey rear extension, first floor side extension and extension of dropped kerb and parking to frontage.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. Since the determination of the application, and the submission of this appeal, a revised National Planning Policy Framework 2023 (the Framework) was adopted on 5 September 2023. It is not considered that this impacts upon the determination of this appeal as whilst the refusal reason references the Framework the wording within paragraph 130 remains unchanged.

Main Issues

3. The main issues are the impact of the proposal upon i) the character of the host dwelling and visual amenity of the area and ii) the residential amenity of neighbouring occupants with regard to outlook.

Reasons

Character of the host dwelling and visual amenity of the area

4. The appeal site is a two-storey, detached, residential dwelling in a residential area. I note that the appeal site benefits from planning permission (68602/FUL) for a single storey front extension, two storey and part single storey rear extension, extension of dropped kerb and installation of a new driveway. I have no doubt that, if this appeal failed, the appellant would implement the existing permission in place, and this is a material consideration within the determination of this appeal and the approved plans are before me.
5. From the plans (appendix A of the appellant's statement) I can see that the proposal before me is for the same front extension, extension of the dropped kerb and installation of a driveway. Despite this there are material differences between this and existing permission in place in that the current proposal is for

- a larger rear extension (wider at first floor) with an additional first floor side extension. Cumulatively the extensions create a differing proposal.
6. At the time of my site visit, I found that the properties along Jersey Crescent, and Ayreshire Grove (the appeal site is close to the junction) are varied to some extent in terms of physical massing and design, but they still have shared architectural features and simple roof forms that create an overall sense of uniformity. The appeal site is a contrast to the immediately adjacent property (no. 14), however, I note there are also some properties that are broadly similar such as, for example, 2 Ayreshire Grove which is a short distance, and visible, from the appeal site. The appeal site also shares characteristic features with the property opposite. During my site visit I saw no evidence of substantial extension or extensions that have resulted in similar, essentially staggered two storey development, such as the proposal before me.
 7. The proposal would result in a complexity of roof forms and cumulatively, I find the proposed first floor side extension, and the front elevation, to detract from the original host dwelling given the current subservience of the existing single storey side element. I acknowledge that the single storey front extension has been previously approved and could be implemented as part of a fallback position, however, the fallback position does not include a first-floor side extension. The host dwelling, as it stands, is relatively uniform in design and I do not find the current proposal would maintain this uniformity nor would it integrate well with the original dwelling or the surrounding street scene as a result of uncharacteristic development. Whilst the proposal may respect the general building line, due to the two-storey element set-back, it does not overcome the concern found as a result of cumulative impacts of the proposal failing to be subservient and subordinate to the host dwelling.
 8. The existing planning permission does allow a part two-storey rear extension; however, the proposal now seeks to increase the width of the previously approved proposal which would then be combined with the proposed side extension as well as the front extension. The rear extension would not be visible from the street scene; however, it should be kept clearly in mind that character and appearance are separate matters. In this case, a lack of visibility, in terms of appearance, does not necessarily mean that proposals should follow as being character appropriate for both the area and the host property.
 9. The single-storey rear extension would in part replace an existing conservatory structure, but cumulatively I find that the proposals would consume and overbear the host dwelling as a result of significant increase in overall footprint and built form. The width of the two-storey element is stated, by the appellant, to be no more than half the width of the original dwelling but this would only be the case comparing the entire width of the dwelling at ground floor level. Taking into account the original width of the original two-storey element of the host dwelling the proposal would exceed half the width which would then be combined with other elements of the proposal. The host dwelling would essentially be unrecognisable from the rear elevation and would be consumed by the proposed extensions.
 10. Viewed in isolation, elements of the proposal could be argued to be subordinate to the host dwelling and I acknowledge that the proposed height of the rear inside extensions would be lower than the original roof, however, cumulatively

the proposals are not subordinate to the existing bulk, scale and massing of the host dwelling and this would result in a dwelling which would be overbearing in the street scene considering the modest and simple design and character of neighbouring dwellings. The proposal, as presented, would result in a dwelling which would appear as too strong a contrast to the general uniformity of the area as a result of the design and an overall staggered effect of two storey development, which would then be further combined with a front extension. The proposal would result in extensions which would be visually obtrusive, aesthetically jarring as a result of the proposed roof forms and would be detrimental to the visual amenity of the area.

11. Overall, I find the proposal would result in overdevelopment of the host dwelling. Over development does not, necessarily, link to a retention of a certain amount of garden space or parking provision. In this case the cumulative additions at first floor level, on the existing footprint/approved footprint, would increase the bulk, scale, and massing of the proposal to an unacceptable level. I do not find that a condition, removing permitted development rights for outbuildings, would assist with overcoming this concern nor make the proposal acceptable.
12. The proposal would be contrary to Newcastle-under-Lyme and Stoke-on-Trent Core Spatial Strategy 2009 policy CPS1, which requires new development to be well designed, to respect the character, identity, and context of the town scape. The proposal would also be contrary with part C1 of the National Design Guide 2021, which requires that proposals are well designed and respond positively to features of the site itself and the surrounding context beyond the site boundary. Proposals should enhance positive qualities and improve negative ones and enhance physical features such as appearance, details, and materials as well as local character.

Residential amenity of neighbouring occupants

13. At the time of my site visit, I noted that both number 18 and 20 Jersey Crescent¹ (no. 18 and no. 20) have conservatories to the rear elevation. The applicant's annotated site/block plan states a distance of 11.84 metres between the neighbouring property and the side of the proposal at the appeal site. This document and annotation do not take into account the fact that both properties benefit from conservatories. I find it is fair to consider that a conservatory should be classified as a habitable room, which means that the appellant's statement as to separation distance from this element of the neighbouring property is likely to be lower than 11.84 metres.
14. I acknowledge that current views, from adjoining properties, are of two storey-built form but this is limited to single storey immediately against the boundary. The proposal would bring two storeys immediately up against the shared boundary of a shortened garden, as a result of the conservatories to the rear of adjoining properties, which I find would exacerbate the overall impact upon living conditions within both the outdoor amenity space and within the conservatory as a habitable room which would be less than 10 metres from the proposal with particular impact upon no. 18.

¹ The Council state 20 and 22, however, from my site visit I believe the properties in question are 18 and 20 Jersey Crescent and this also would match with the numbering of 22 Jersey Crescent on the submitted plans.

15. There is no evidence to suggest that there would be breach of any specific guideline, such as the Urban Design Guidance Supplementary Planning Document 2010 (SPD). A lack of specific guidelines as to distance in such scenarios indicates that assessment of proposals is down to planning judgment, taking each site on its own merits. In this case I find that there would be a further sense of enclosure to the outlook and setting of nos. 18 and 20, which would materially alter the existing arrangement to a degree that would harm the living conditions of neighbouring occupants as a result of two storey development on the shared boundary.
16. Even if I had concluded that the proposal was acceptable, with regard to outlook, the proposal would still have failed for the first main issue with regard to the character of the host dwelling and visual amenity of the area. Had I found the proposal acceptable in this regard, a condition could have been applied to the new window which would have been contained in the side elevation to ensure obscure glazing to maintain levels of privacy to occupiers as appropriate.
17. The appellant references an appeal (APP/N3455/D/22/3291929) and includes the decision letter as appendix B to their statement. Aside from the decision itself, no further documentation is submitted. I acknowledge (and concur with) the Inspector's comments regarding a lack of any specific guidelines within the SPD and it is evident that within the assessment of that proposal, that it was assessed on its own merits, taking into account the existing site characteristics. This is the approach I have taken within the determination of this appeal.
18. The proposal would be contrary to paragraph 130 of the Framework, which seeks to ensure that developments create places with a high standard of amenity for existing and future users. The Council, within their report, discuss policy R15 of the SPD in relation to residential amenity. Despite this, no reference to policy R15 has been made within the refusal reason and no copy of this policy has been submitted as part of this appeal. Only the front page and page 101 of the SPD have been submitted which outline the wording for policy R22 and policy R23 respectively.

Other Matters

19. Whilst it is stated that the property still benefits from permitted development rights, I do not find that a generic reference to having rights to extend or alter the dwelling in an unspecified manner is of weight. A lack of objection from consultees is noted but this does not change the assessment of the proposal as outlined within this decision notice. Each case should be considered on its own merits, and I do not find fear of a precedent sufficient to warrant refusal in this case. Despite this, for the reasons outlined above, I find that the proposal should not succeed.
20. Further comments have been made in relation to more cars being parked in the street as well as increased noise levels. Highways, a consultee, have no objection to the proposal and the Council raise no refusal reason based upon parked cars. Based upon the evidence before me and my site visit, I have no reason to conclude differently on this matter. The proposal would, as a result of proposals, still be a single residential unit. Matters such as noise in the evenings or similar, as a result of occupation of the appeal site as it stands, are outside the scope of this appeal. They stand within the scope of other

departments such as Environmental Health/Regulatory Teams who are able to investigate claims as to nuisance or noise under the relevant legislation.

Conclusion

21. For the reasons outlined above, and taking account all other matters raised, I conclude that the appeal should be dismissed.

Eleni Randle

INSPECTOR