



Appeal Decision

Site visit made on 27 November 2023

by Ben Plenty BSc (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 1st December 2023

Appeal Ref: APP/X3405/W/23/3324045

10 FALCON CLOSE, CANNOCK, Staffordshire WS11 1JE

- 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 Kyle Goodwin against the decision of Cannock Chase District Council.
 - The application Ref CH/23/0089, dated 7 February 2023, was refused by notice dated 12 May 2023.
 - The development proposed is a three bed detached house on the land adjacent to an existing house.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The Appellant has provided two alternative front elevation drawings showing how the proposed dwelling might be reduced in height. However, these are incomplete sets that do not show how all elevations would be altered. As such, I have considered the proposal based on the originally refused scheme.

Main Issues

3. The main issues are:
 - The effect of the proposed dwelling on the character and appearance of the area, and
 - The effect of the proposal on the living conditions of neighbouring occupiers with particular respect to outlook.

Reasons

Character and appearance

4. Falcon Close is a cul-de-sac within a modern residential area. Dwellings consist of a variety of bungalows and two-storey buildings. These are generally recessed a generous distance from the highway within an open-plan estate. The open plan character of the area is especially prevalent around the appeal site with pockets of green space found to the side of several local corner plots. As such, the pattern of development forms buildings that are mostly set away from corners, creating a spacious and open public realm. The appeal site is to the side of no 10. Although enclosed by a boundary fence and wall, this maintains an open character that contributes positively to the sense of spaciousness in the area.

5. The proposal would place a two-storey dwelling on the site that extends towards Orchard Avenue. It would occupy most of the space to the side of the existing dwelling and infill its wide side garden. Being a corner position, the scheme would be plain within its setting, furthermore its prominence would be exacerbated by virtue that Orchard Avenue curves around the site.
6. Any form of two-storey development on the site would be plainly evident due to its corner location. Nevertheless, the scale and prominence of the proposal would be especially intrusive in the street due to an absence of landscaping combined with its proximity to the footway. It would also enclose views along Orchard Avenue and encroach into the currently open views of the area when approaching the appeal site. Furthermore, the proposal would patently protrude beyond the extended side elevation of 13 Orchard Avenue, having a substantially greater effect on the streetscene. Accordingly, the proposed dwelling would harmfully erode the site's existing sense of spaciousness.
7. Accordingly, the proposed dwelling would not complement that character and appearance of the area. As such, the proposal would conflict with policy CP3 of the Cannock Chase Local Plan [2014] (LP) and the National Planning Policy Framework (the Framework), with respect to character and appearance. These seek, among other matters, for development to complement the character and appearance of a local area and be sympathetic to local character.

Living conditions – existing

8. The proposed dwelling would bring development nearer to the frontages of dwellings on Orchard Avenue, creating a shortened separation distance. The proposal would mostly change the outlook of occupiers from the front windows of no's 14 and 16 Orchard Avenue. No 14 is a bungalow with a kitchen and living room at its front. No 16 is a dormer bungalow, this has a living/kitchen space at the front with two front facing windows. At first floor there is a bedroom with two further front facing windows. Both neighbouring dwellings are elevated to the highway by around one metre.
9. Most direct views from the windows of No 14 would be unaffected by the proposal as the front elevation of the proposed dwelling would approximately align with a midpoint of its living room window. All windows of no 16 would take in the view of the side elevation of the proposal. Nonetheless, the affected views already include the side elevation of no 10 which, whilst set slightly further away, is also two-storey limiting the extent of change.
10. The separation distance, between the side of the proposal and the frontage of the neighbouring dwellings significantly exceeds 12 metres, and therefore satisfies the Council's Design SPD. This finding, in combination with the existing context and the elevated position of no's 14 and 16, would prevent the proposal being overbearing.
11. Accordingly, the proposal would have no significant affect on the living conditions of adjacent residential occupiers. Consequently, the proposal would comply with LP policy CP3 and the Framework, with respect to effect on living conditions. These require development to, *inter alia*, protect the amenity enjoyed by existing properties and create a high standard of amenity for existing users.

Other Matters

12. The Framework seeks to boost the supply of housing. The site is within a settlement and would afford new occupiers with good access to goods and services. Furthermore, the proposed dwelling would replicate design features, and be a height, that exists locally and have suitable on plot parking. The proposed electric vehicle charging point is of limited merit as it would be necessary to meet building regulation approval. The Appellant indicates that the property would be self-sufficient but has not provided further details as to how the design would incorporate energy saving technologies. Accordingly, these combined merits are of limited weight in favour of the proposal.
13. The Appellant refers to a nearby building currently under construction, but insufficient details have been provided to enable this to be located. Nonetheless, the context of a site is often not directly comparable to other schemes, and it is necessary for all proposals to be considered on their own merits as I have undertaken in this case.

Conclusion

14. Although the proposal would not harm neighbours' living conditions, this would only be a neutral factor in the planning balance. The harmful effect of the proposed dwelling, on the character and appearance of the area, would significantly and demonstrably outweigh the benefits of the proposal when assessed against the policies of the Framework when taken as a whole.
15. For the reasons given above, the proposal would conflict with the development plan as a whole and there are no material considerations, including the Framework, that would outweigh that conflict. Therefore, the appeal is dismissed.

Ben Plenty

INSPECTOR