



Appeal Decision

Site visit made on 1 November 2023

by J Hobbs MRTPI MCD BSc (hons)

an Inspector appointed by the Secretary of State

Decision date: 1 December 2023

Appeal Ref: APP/Y3425/W/23/3315751

9 Verwood Close, Stafford, Staffordshire ST16 3SH

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
 - The appeal is made by Cpl Morgan Johnstone against the decision of Stafford Borough Council.
 - The application Ref 21/34960/OUT, dated 9 August 2021, was refused by notice dated 3 August 2022.
 - The development proposed is a single detached two storey dwelling (ground + first floor, 3 bedrooms maximum); within the existing garden area.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The description of development is taken from the application form. However, I have removed wording which does not relate to development.
3. The proposal seeks outline planning permission with all matters reserved. I have considered the appeal on this basis and have treated any details in relation to the reserved matters as illustrative.

Main Issues

4. The main issues are the effect of the proposal on:
 - the character and appearance of the area, and
 - the living conditions of occupants of properties on Verwood Close, Marlborough Avenue and Weston Road, with regard to privacy.

Reasons

Character and appearance

5. The prevailing pattern of development is defined by properties being set back from the road to include off-road parking and most dwellings benefit from moderately sized gardens. These characteristics contribute to a broadly consistent building line. Corner plots tend to be larger, with significant space between the dwellings. There is no evidence before me of any back land style development in the area, nor did I observe any during my site visit, built beyond the line of properties aligning the road. As such, the area has a formal yet spacious character and appearance.
6. The proposed dwelling would be sited within the existing rear garden of No 9 Verwood Close, which is one of the larger corner plots. Whilst the proposal would lead to the scale of the proposed dwelling and the footprint to plot ratio

- of both the proposed dwelling and No 9 Verwood Close being similar to nearby properties, the plot sizes would not be consistent with other large corner plots.
7. Given the siting of the proposed dwelling it would be partially screened from public views and when viewed from the access it would be seen alongside other residential properties. Nonetheless, it would be viewed through gaps between roadside dwellings set significantly back from the established building line, consequently at odds with the prevailing formal pattern of development and eroding the area's spatial character.
 8. The proposed dwelling would be in accordance with the National Planning Policy Framework (the Framework), as far as it would utilise suitable brownfield land within a settlement for the siting of a house. Although it would be contrary to the Framework where it indicates that the creation of high quality, beautiful buildings is fundamental to what the planning system should achieve, planning decisions should ensure that developments are sympathetic to local character and support development that makes efficient use of land taking into account the identified need for housing.
 9. However, overall, based on the illustrative details, I am not satisfied that the proposal would not harm the character and appearance of the area. It would therefore be contrary to policy N1 of the Plan for Stafford Borough 2011-2031 (the Plan), June 2014. This policy indicates that proposals shall meet design principles including taking into account the local character and context, and they should preserve and enhance the character of the area.

Living Conditions

10. The appeal site is surrounded by residential properties on Marlborough Avenue, Weston Road, as well as Nos 7 and 9 Verwood Close. As this is an outline application with all matters reserved the proposed siting of the dwelling is not specified. However, due to the size of the site and orientation of neighbouring properties, it has not been demonstrated that the proposed dwelling could be sited appropriately away from the boundary with neighbouring properties.
11. As per the evidence, a distance of some 21 metres could be achieved between a principal window of the proposed dwelling and the facing principal windows of neighbouring properties, in accordance with the Design SPD¹. However, given the orientation of the site and neighbouring gardens, principal windows at first floor level would directly overlook a neighbouring garden from a short distance. Given the size and orientation of neighbouring gardens, this would lead to a materially significant loss of privacy for the occupants of that dwelling when using the garden space.
12. A condition to preclude the provision of a principal window in the rear elevation at first floor level would not mitigate the harm as principal windows would need to be located elsewhere at first floor level and would still be near neighbouring boundaries and overlook their gardens.
13. The proposal complies with the 45 and 25 degree rules outlined within the Design SPD. However, these rules ensure that a development would not lead to an unreasonable loss of light and are not relevant to an assessment on privacy. In any event I have assessed the scheme based upon the bespoke site specific circumstances.

¹ Stafford Borough Council, Design, Supplementary Planning Document, 2018

14. Thus, based on the illustrative details, I am not satisfied that the proposed development could be implemented without having a harmful effect on the living conditions of occupants of properties on Verwood Close, Marlborough Avenue and Weston Road, with regard to privacy. It would be contrary to policy N1 of the Plan which requires the design and layout to take account of the amenity of adjacent residential areas.

Other Matters

15. The appeal site is located within the zone of influence of the Cannock Chase Special Area of Conservation. The Conservation of Habitats and Species Regulations 2017 (as amended) require that, where a project is likely to have a significant effect on a European site, either alone or in combination with other plans or projects, the competent authority must, before any grant of planning permission, make an appropriate assessment of the project's implications in view of the relevant conservation objectives. However, as I have found the appeal proposal to be unacceptable for other reasons, it is not necessary for me to undertake an appropriate assessment, or to consider this matter further.
16. I accept the principle of residential development within a defined settlement boundary and Flood Zone 1. Moreover, the site is not within a conservation area or in proximity to any listed buildings or protected trees, and the proposal would not have a harmful effect on biodiversity. Regardless, these factors do not alter my assessment on the overall harm caused by the proposal.
17. Although the Framework outlines the Government's objective of significantly boosting the supply of housing, there is no substantive evidence before me that there is a lack of deliverable housing land supply in Stafford.

Conclusion

18. The proposed development conflicts with the development plan when considered as a whole and there are no material considerations, either individually or in combination, that outweigh the identified harm and associated development plan conflict. Therefore, for the reasons given above I conclude that the appeal should be dismissed.

J Hobbs

INSPECTOR