



Appeal Decision

Site visit made on 12 December 2023

by N Bromley BA Hons DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 19 January 2024

Appeal Ref: APP/X3405/W/23/3324597

33 Poplar Lane, Cannock, Staffordshire WS11 1NQ

- 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 Tudorworth Properties against the decision of Cannock Chase District Council.
 - The application Ref CH/22/0467, dated 5 December 2022, was refused by notice dated 17 March 2023.
 - The development proposed is demolition of existing bungalow and garage and erection of 2 detached houses.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. In December 2023, the Government published a revised National Planning Policy Framework (the Framework). Both main parties have had the opportunity to comment on the relevant implications for the appeal. I have had regard to the revised Framework, and the comments made by the parties in respect of the revisions, in reaching my decision.

Main Issues

3. The main issues are the effect of the proposed development on:
 - i. the character and appearance of the area; and
 - ii. the living conditions of the neighbouring occupiers of 35 Poplar Lane, with particular regard to loss of sunlight, natural light, and outlook.

Reasons

Character and appearance

4. The appeal site comprises an existing modest detached bungalow set within a generous plot that fronts Poplar Lane but is set back from the road by a front garden. The bungalow is built up close to the shared boundary with 31 Poplar Lane (No 31) but is set off the boundary with the neighbouring property, 35 Poplar Lane (No 35). A large garden is located to the rear.
5. The residential area nearby is predominantly characterised by a variety of dwellings including detached bungalows, dormer bungalows and occasional two-storey dwellings. The existing dwellings are of a varying size, form, and appearance but they have wide footprints and are set within substantial plots, arranged along the road frontage with a consistent front building line. Overall,

this gives the area a spacious and formal character, albeit with a varied design of buildings.

6. The design of the proposed dwellings, in terms of the use of materials and fenestration, whilst representing a contrast to many of the other existing dwellings within the street scene, would demonstrate a good standard of design. However, the sub-division of the site into two narrow plots and the construction of two detached dwellings, with a limited width and built up to each side boundary, would result in the proposed dwellings being constrained within the site, which would result in a cramped appearance within the street scene.
7. While I acknowledge that No 31 has a two-storey section next to the shared boundary, it is primarily a dormer style bungalow with a generous width and set within a large plot. Likewise, while 37 Poplar Lane is a two-storey dwelling, it has a large width and a generous plot size. Its scale is also reduced by single storey elements, particularly next to the boundary with No 35.
8. In contrast, the two-storey scale of the proposed dwellings, with their narrow plot widths and footprints, would emphasise the vertical form and dominance of the proposals, particularly next to the neighbouring bungalow, No 35. The proposed dwellings would therefore sit uncomfortably in the context of the existing bungalows and dormer bungalows within the immediate street scene and would appear incongruous.
9. For the collective reasons outlined above, the proposed development would be unacceptably harmful to the character and appearance of the area. Therefore, it would fail to accord with Policy CP3 of the Cannock Chase Local Plan (Part 1) 2014 (CCLP), which seeks, amongst other things, development that complements and enhances the character and appearance of a local area and reinforces local distinctiveness.
10. In addition, the proposed development would fail to accord with the design objectives of the Framework, which seeks to achieve well-designed and beautiful places.

Living conditions

11. The proposed development would result in plot 2 being built up to the shared side boundary with No 35. No 35 has a ground floor bedroom window in its side elevation.
12. The bedroom window, due to the juxtaposition with plot 2, would have an outlook towards a 2-storey side wall of a considerable length. The separation distance between the bedroom window and the side wall would be limited. Therefore, the side wall of plot 2, by virtue of its position, scale and solid appearance would create an oppressive outlook from the bedroom window, which would result in an unacceptable overbearing effect on the occupiers of No 35.
13. The appellant has submitted a plan (the plan) to show the relationship between the side wall of plot 2 and the neighbouring bedroom window, which has an orientation to the west. The plan demonstrates that, due to the juxtaposition of plot 2 with the neighbouring bedroom window, the proposal would not cause a significant reduction in sunlight or natural light to the bedroom window of No 35.

14. While I acknowledge the appellants suggestion that the existing bungalow could be extended upwards without planning permission under Schedule 2, Part 1, Class AA of the General Permitted Development (England) Order 2015, as amended, the existing bungalow is set off the shared boundary by a greater distance than plot 2 would be. Therefore, even if I were to accept that this fallback position may exist, the existing bungalow is located further away from the shared boundary with No 35. On this basis, the harm caused by the proposed development, to the living conditions of the occupiers of No 35, would be considerably greater than the fallback position and I only attach limited weight to the fallback position.
15. Consequently, for the reasons outlined above, I conclude on this main issue that the proposed development would not cause unacceptable harm to the living conditions of the occupiers of 35 Poplar Lane, in respect of loss of sunlight and natural light. However, the proposals would cause unacceptable harm to the living conditions of the occupiers of No 35, in respect of outlook and would conflict with Policy CP3 of the CCLP, which requires development, amongst other things, to protect the amenity enjoyed by existing properties.
16. In addition, the proposal would fail to accord with the objectives of the Framework which seek to create places with a high standard of amenity.

Planning Balance and Conclusion

17. The appellant has provided a copy of the Council's Strategic Housing Land Availability Assessment, which identifies that the Council currently has a housing land supply of 4.02 years and thus cannot currently demonstrate a five-year supply of deliverable housing sites. In this situation, paragraph 11 of the Framework indicates that development plan policies which are most relevant for determining the application should be deemed as out of date. However, paragraph 11(d)(ii) requires the consideration of whether any adverse impacts would significantly and demonstrably outweigh the benefits, when assessed against the policies of the Framework taken as a whole.
18. I acknowledge that the replacement of the existing dwelling, with two new dwellings, would add an additional dwelling in a sustainable urban area. Therefore, the proposal would contribute to boosting the supply of new housing, as referenced in the Framework. The proposal would also provide social and economic benefits to local services during the construction and occupancy phases without conflict with neighbouring land uses. There would also be environmental and ecological benefits through the provision of soft landscaping, electric vehicle charging provision and a fabric first approach. However, these would only provide a limited benefit in the context of the proposed development.
19. The proposed development would harm the character and appearance of the area, as well as the living conditions of the occupiers of No 35. I attach significant weight to that harm, such that it significantly and demonstrably outweighs the benefits of the scheme when assessed against the policies in the Framework when taken as a whole.
20. Consequently, I conclude that the proposed development would conflict with the development plan as a whole and there are no material considerations, including the Framework, that indicate that the development should be

determined otherwise than in accordance with it. For these reasons, the appeal is dismissed.

N Bromley

INSPECTOR