



# Appeal Decision

Site visit made on 19 December 2023

**by L C Hughes BA (Hons) MTP MRTPI**

**an Inspector appointed by the Secretary of State**

**Decision date: 24 January 2024**

## **Appeal Ref: APP/Y3425/D/23/3328610**

### **Holmlea, Marston Lane, Marston, Stafford, Staffordshire ST18 9SY**

- 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 C Foster against the decision of Stafford Borough Council.
- The application Ref 23/37530/HOU, dated 16 May 2023, was refused by notice dated 10 August 2023.
- The development proposed is approval for change of design and window placement from planning approval 20/33423/HOU granted in March 2021 and permission for additional storey to original property.

## **Decision**

1. The appeal is allowed and planning permission is granted for approval for change of design and window placement from planning approval 20/33423/HOU granted in March 2021 and permission for additional storey to original property at Holmlea, Marston Lane, Marston, Stafford, Staffordshire ST18 9SY in accordance with the terms of the application, Ref 23/37530/HOU, dated 16 May 2023, and the following plans submitted with it:

SF673202 Dated 08.08.2023 Sheet 23-0498 D14 REV 2; SF673202 Dated 08.08.2023 Sheet 23-0498 D13 Rev 2; SF673202 Dated 08.08.2023 Sheet 23/0498 D12 Rev 2; SF673202 Dated 08.08.2023 Sheet 23-0498 D11 Rev 2; SF673202 Dated 08.08.2023 Sheet 23-0498 D10 Rev 2; SF673202 Dated 08.08.2023 Sheet 230498 D09 Rev 2; SF673202 Dated 08.08.2023 Sheet 23-0498 D08 Rev 2; SF673202 Dated 08.08.2023 Sheet 23-0498 D07 Rev 2; SF673202 Dated 08.08.2023 Sheet 23-0498 D06 Rev 2; SF673202 Dated 08.08.2023 Sheet 23-0498 D05 Rev 2; SF673202 Dated 08.08.2023 Sheet 23-0498 D04 Rev 2; SF673202 Dated 08.08.2023 Sheet 23-0498 D03 Rev 2; SF673202 Dated 08.08.2023 Sheet 23-0498 D02 Rev 2; SF673202 Dated 08.08.2023 Sheet 23-0498 D01 Rev 2; Parking Plan.

## **Preliminary Matters**

2. On the 19 December 2023 the Government published a revised National Planning Policy Framework (the Framework), later updated on 20 December 2023, together with a written ministerial statement (WMS). The revised Framework is a material consideration which should be taken into account from the day of publication. I have familiarised myself with the content of the revised Framework and the accompanying WMS. Having considered the parties' cases and the nature of the revisions, in light of the principles of natural justice, I have not considered it necessary to invite any submissions from the parties on the revised Framework.
3. At the request of the Council, the appellant agreed to amend the original description of the development from the application form. I have not included

the full description from the agreed amendment, as it makes reference to the proposal being retrospective and that is not in itself development. I was able to see on my site visit that the development has taken place and therefore I have determined this appeal on that basis.

### **Main Issue**

4. The main issue is the effect of the proposal on the character and appearance of the host dwelling and the surrounding countryside.

### **Reasons**

5. The appeal site is located in Marston, which falls outside of any settlement referenced under the Sustainable Settlement Hierarchy as defined within Policy SP3 of the Plan for Stafford Borough 2011-2031 (2014) (PSB). In policy terms, it is therefore located in the open countryside. A farmhouse built of traditional brick and tile is situated to the south west of the appeal site, but other than this property, which is well screened, the surrounding area is largely characterised by open agricultural land and rural lanes.
6. Policy C5 of the PSB indicates that in areas outside of the Sustainable Settlement Hierarchy the extension of an existing building should not result in additions of more than 70% of the dwelling as originally built, unless at provision (Cii) the design and appearance of the proposed extension is proportionate to the type and character of the existing dwelling and surrounding area.
7. A previous permission (20/33423/HOU) which was permitted in 2021 (the 2021 scheme) allowed for an extension which resulted in an additional 88m<sup>2</sup>, which was an increase of over 70%. This was thought appropriate as the design of the proposed extension was considered to accord with criteria Cii of Policy C5.
8. The proposed two storey side extension has not been implemented in accordance with the approved plans relating to 20/33423/HOU. The window size and design and placement differ from that what was originally approved. However, the Council consider that this element of the scheme is not considered so detrimental as to warrant the refusal of the application alone. I see no reason to disagree.
9. Whilst the footprint of the proposed development is almost identical to that previously approved, the proposed two storey side extension is over 1.1m higher than that approved. The 2021 scheme was considered to have a subordinate appearance to the existing dwelling, partly due to the lower ridge line and set back of the front elevation which were features of the design. The Council consider that the changes to the design along with additional height and a further storey now mean that the proposed development can no longer be considered proportionate to the type and character of the existing dwelling and surrounding area and therefore would no longer accord with Policy C5.
10. The original dwelling, however, had little architectural merit and no distinct character of note. It was a twentieth century brick built detached property, with two extensions that have been removed as a result of the proposal. I do not consider that the original dwelling was markedly sympathetic or in keeping with the rural surroundings, or contributed particularly to the character of the area.

11. The proposed extension is mostly rendered and has the appearance of a more modern individually designed property than the original dwelling. However, the 2021 scheme, to which I have had regard, is a material consideration in my decision. The officer's report regarding the 2021 scheme considered that it was appropriate to render the property, as it would visually integrate the existing dwelling and the extension into a single dwelling. The approved 2021 scheme would therefore also have seen the transformation of the original dwelling into a more modern looking property, changing its appearance and character. Whilst the original dwelling has been altered by the proposal, the approved permission had authorised a large extension, the scale and design of which would have also seen the original dwelling's character and type fundamentally transformed in a similar fashion to that proposed.
12. Although the height of the dwelling is taller than that approved, with additional roof features to accommodate the extra storey, I consider that this increase in height is not so obtrusive within its surroundings sufficient to warrant dismissing the appeal. The proposal is well screened from Arden House Farm by mature landscaping. The proposal, like the original dwelling, results in a detached dwelling on a large plot within the countryside, and continues to stand comfortably and confidently within the plot with the new built form in place.
13. The immediate vicinity of the appeal site is largely open countryside. The Officer's report for the 2021 scheme stated that there was 'no defining character of the surrounding area'. I saw from my site visit that within Marston there are houses of varied sizes and designs, including a modern housing estate, and that there is only one well screened property particularly close to the appeal site, Arden House Farm. As a result, there is no prevailing character, local vernacular or pattern of development against which the proposed development could be compared. There is a lack of consistency in house type, size, materials, external finishes and design in the area, and an absence of any visible contextual buildings in the immediate vicinity that would constrain the proposal's design and scale. In my view, therefore, a modern looking dwelling of the scale and massing of the proposed development, including the proposed blue rendered higher roof, does not in this instance result in a visual intrusion or unacceptably harm the character of the countryside.
14. I have considered the Council's argument that the grant of planning permission would set a precedent for other similar developments. However, no directly comparable sites to which this might apply were put forward and a generalised concern of this nature does not justify withholding permission in this case. In any case, each application and appeal must be determined on its individual merits. Furthermore, I have given weight to the previous 2021 approval as a material consideration in this individual instance.
15. I conclude that the proposed development does not harm the character and appearance of the host dwelling and the surrounding countryside. Consequently, the proposal accords with Policies N1 and C5 of the PSB which seek to ensure that developments have regard to local context and preserve and enhance the character of the area, and that the design and appearance of extensions are proportionate to the type and character of the existing dwelling and the surrounding area. It also complies with the Framework, which

highlights that development should be sympathetic to local character, including the surrounding built environment and landscape setting.

**Conditions**

16. As the development has already been implemented, I have attached no conditions, but my formal decision refers to the appeal plans for clarity and compliance.

**Conclusion**

17. For the reasons given above, I conclude that the development would comply with the development plan as a whole and there are no other material considerations to lead me to find otherwise than in accordance with it. As a result, the appeal is allowed.

*L C Hughes*

INSPECTOR