



Appeal Decision

Site visit made on 18 March 2024

by Alison Hartley, LLB(Hons), Solicitor, MBA

an Inspector appointed by the Secretary of State

Decision date: 08 April 2024

Appeal Ref: APP/M3455/D/23/3335732

1 Stuart Avenue, Trentham, Stoke-on-Trent, ST4 8BG

- 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 J Bowers against the decision of Stoke on Trent City Council.
 - The application Ref 70223/FUL, dated 15 August 2023, was refused by notice dated 11 October 2023.
 - The proposed development is a balcony over existing flat roof porch and garage.
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Decision

1. The appeal is allowed and planning permission is granted for a balcony over existing flat roof porch and garage at 1 Stuart Avenue, Trentham, Stoke on Trent, ST4 8BG in accordance with the terms of the application reference 70223/FUL dated 15 August 2023 subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
 - 2) The development hereby permitted shall be carried out in accordance with the following approved plans:

“Working Drawing” Ref: JPK/23/5107/1/REV A dated July 2023 and received by the LPA 16th August 2023; “Block and Location Plan” received by the LPA on 16th August 2023.
 - 3) The brick materials to be used in the construction of the external surfaces of the parapet elements of the development hereby permitted shall match those used in the existing building unless otherwise approved in writing by the Local Planning Authority.

Procedural Issues

2. The National Planning Policy Framework (the Framework) has been updated since the parties’ appeal submissions have been made. However, as the revisions do not affect the matters under consideration in this appeal (other than different paragraph numbering), it was not considered necessary to seek further comment.

Main Issue

3. The effect of the proposal on the character and appearance of the building and the surrounding area.

Reasons

4. The appeal building is a two-storey detached dwelling on the corner of Stuart Avenue and Longton Road. The existing dwelling has a hipped roof, with a front projecting gable end, as well as a flat roof above its porch and integral garage. It is constructed of a mixture of red/orange facing brickwork and stone, with a grey tiled roof above. A large, external chimney finished in stone projects out from the eastern elevation facing Stuart Avenue.
5. The appeal building differs in design from the majority of the dwellings in the immediate area, and particularly those along Stuart Avenue, where black and white mock Tudor-style dwellings predominate along the tree lined avenue. The parties acknowledge and I agree that the existing building does not hold any special visual or architectural merit. I also find that the existing building appears incongruous in terms of its design and orientation when considered in the context of the character of Stuart Avenue. The prominent stone chimney feature in particular does not reflect the character of other buildings in the area.
6. The proposal would introduce a door to the side of the large chimney feature to enable access to the existing flat roof of the porch and garage, together with a glass surround and brick parapet walls at either end of the flat roof to create a balcony. I consider that the proposal, by virtue of the materials used and the height of the surround, will retain the subservience of the garage and porch to the main building. The eastern elevation, including the large chimney feature will still be visible through the glass surround.
7. Due to the orientation of the building at the corner plot, the presence of mature trees, the position of the parapet set back from the front elevation and the use of matching brick materials, I also find that the brick parapet walls at either end of the balcony would not adversely affect the existing appearance of the building or the character of the area.
8. Overall, I find that the introduction of the proposal will not materially adversely affect the present contribution made by the existing dwelling to the character and appearance of the building or the surrounding area. Consideration of design is subjective and whilst I note the Council's opinion in respect of the impact of the design, from my observations on site, on balance I tend to agree with the views of the neighbour and the appellant in this case. I find that the introduction of the balcony will add interest to the design of the building and improve the appearance of the present flat roof structure when viewed from the surrounding streets.
9. Consequently, I find that the proposal complies with CSP1 of the Newcastle under Lyme and Stoke on Trent Core Spatial Strategy (2009) and paragraph 135 of the National Planning Policy Framework (2023) in terms of the positive impact of its design on the building and the character of the area.

Conditions

10. I have had regard to the condition suggested by the Council. I have imposed a condition specifying the approved plans as this provides certainty. In the interests of the visual amenity of the area I have imposed a condition regarding materials. I do not consider it necessary for samples of materials to be submitted for approval noting that the planning application form and plans

state that external materials used to construct the parapets are to match existing brickwork and the remaining surround is to be of glass construction.

Conclusion

11. Having taken into account all representations made, for the reasons given above, I conclude that the appeal should be allowed subject to conditions.

A Hartley

INSPECTOR