



Appeal Decision

Site visit made on 26 March 2024

by Paul Cooper MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 10th April 2024

Appeal Ref: APP/Y3425/W/23/3332072

Former Eagle Car Park, Newport Road, Eccleshall, Staffordshire ST21 6AE

- 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 Jones against the decision of Stafford Borough Council.
 - The application Ref 21/35138/REM, dated 22 October 2021, was refused by notice dated 9 August 2023.
 - The development proposed is residential development for up to two dwellings.
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Decision

1. The appeal is allowed, and Reserved Matters permission is granted, for matters of appearance, layout, landscaping and scale at the Former Eagle Car Park, Newport Road, Eccleshall, Staffordshire ST21 6AE in accordance with the application Ref 21/35138/REM dated 22 October 2021, subject to the conditions enclosed in the attached schedule.

Preliminary Matters

2. The application was for Reserved Matters following outline approval. Matters of access were determined at outline stage.

Procedural Matters

3. I note that all other matters other than the reason for refusal were not raised by the Council in their Decision Notice. I have no reason to question the findings of the Council and I shall therefore not refer to these matters in my final decision.

Application for costs

4. An application for costs was made by Mr Jones against Stafford Borough Council. This application is the subject of a separate Decision.

Main Issue

5. The main issue in this appeal is the effect of the proposal on the living conditions of No.14 Spring Hollow, by reason of loss of natural light and overshadowing.

Reasons

6. The site was last used as the car park for the Eagle Public House, and is located on Newport Road, with the Spring Hollow development located to the rear. The site is approximately 700 sq.m in area and rectangular in shape. The appeal site already has approval at outline stage, with means of access determined at

that time The site is in close proximity to, but not within the Eccleshall Conservation Area.

7. The proposed development would be for 2no. four-bedroomed houses, at two and a half storeys in height, with accommodation in the roof-space. Each dwelling would have 2no. parking spaces, and a turning area is provided.
8. Policy N1 of the Plan for Stafford Borough (2017) (the LP) requires the design and layout to take into account noise and light implications together with the amenity of existing residential areas.
9. The proposal was recommended for approval by Officers but refused at Committee for the sole reason indicated on the Decision Notice.
10. Following that refusal, the appellant has commissioned a Daylight and Sunlight Report, which confirms that windows on the west elevation of No.14 Spring Hollow are non-habitable and therefore are not subject to assessment as per the Council's own design Supplementary Planning Document (the SPD) and the Building Research Establishment (BRE) guide "Site Layout and planning for daylight and sunlight : a guide to good practice", which is recommended for use by the SPD.
11. The rear garden of No.14 Spring Hollow is south facing, and the key plot, which is plot 2, is located on the north side of this rear garden. The properties were amended by negotiation in terms of height and width during the application process and the scheme passes the BRE "time in sun" test.
12. Based on this evidence, the application plans and my site visit, I can find no conflict with policy N1 of the LP.

Other Matters

13. I have noted the comments of third parties with regard to the scheme and find that the vast majority of the objections were dealt with at application stage, and no material harms were found with the exception of what eventually became the reason for refusal, which I have appraised above. I have no reason to question the judgement of the Council on these other issues.

Conditions

14. I consider that the conditions set out by the Council are both fair and reasonable and I will replicate those in the schedule below.
15. Condition 1 and 2 relate to good planning and set out the parameters of the development. Condition 3 is in the interests of the character and appearance of the locality. Condition 4 ensures that privacy to adjacent residents is protected.
16. Condition 5 is necessary given the relationship between new and existing properties and the need to respect the amenities and privacy of those properties whilst Condition 6 is also to protect the amenities and privacy of existing properties.

Conclusion

17. For the reasons given above, having regard to the development plan and all relevant material considerations, I conclude that the appeal is allowed.

Paul Cooper

INSPECTOR

SCHEDULE

- 1 This approval of reserved matters in respect of appearance, landscaping, layout, and scale is granted pursuant to outline planning permission 20/32127/OUT and the approved development shall comply in all respects with the terms of that outline permission and the conditions imposed on it.
- 2 This permission relates to the originally submitted details and specification and to the following drawings, except where indicated otherwise by a condition attached to this consent (or 20/32127/OUT), in which case the condition shall take precedence :-
 - Drawing no: 1185 00 Location Plan
 - Drawing no: 1185 03 Rev C Proposed streetscene elevations
 - Drawing no: 1185 01 Rev G Existing and proposed site plan
 - Drawing no: 1185 02 Rev G Proposed plans and elevations
- 3 Notwithstanding any description/details of external materials in the application documents, the development shall not proceed beyond slab level until precise details or samples of the materials to be used in the construction of the external walls and roofs of the buildings have been submitted to and approved in writing by the Local Planning Authority.
- 4 Notwithstanding any description/details in the application documents, before the development is first occupied the (rear) east-facing, first-floor windows on the dwellings serving bathrooms and dressing rooms as illustrated on Drawing 1185 02E shall be obscure glazed and non-opening up to 1.7m in height above floor level and shall thereafter be retained as such.
- 5 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 or any other subsequent equivalent Orders, no development within Classes A (alterations, improvement, enlargement or other alteration), B (additions or alterations to the roof that enlarge the house), C (other additions/alterations to the roof) and E (buildings, pools or enclosures within the curtilage of the dwelling) of Part 1 and Class A (gates, fences, walls etc) of Part 2 to Schedule 2 shall be carried out without the prior written consent of the Local Planning Authority.
- 6 Notwithstanding the submitted information no development shall take place before details of the proposed finished floor levels; ridge and eaves heights of the buildings hereby approved have been submitted to and approved in writing by the Local Planning Authority. The submitted levels details shall be measured against a fixed datum and shall show the existing and finished ground levels, eaves and ridge heights of surrounding property and shall demonstrate that the ridge heights of the proposed dwellings shall not exceed those of 14/15 Spring Hollow.

END OF SCHEDULE