



Appeal Decision

Site visit made on 11 June 2024

by K Townend BSc MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 3rd July 2024

Appeal Ref: APP/C3430/W/23/3335223

Pound Piece, School Road, Trysull, Staffordshire WV5 7HR

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission.
 - The appeal is made by Mr David Oakley on behalf of Oakhall Developments Ltd against the decision of South Staffordshire District Council.
 - The application Ref is 23/00420/FUL.
 - The development proposed is demolition of existing bungalow and erection of two dwellings.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The Council's decision notice only refers to a single reason for refusal. However, the Council has advised that this was an administrative error, and the second reason for refusal, which was within the officer recommendation section of the officer report, was missed off the decision. Although I accept that the decision notice should be full and complete, I am also required to consider the appeal in the light of all of the submissions before me, including the officer report. I have, therefore, given the appellant an additional opportunity to comment on the second reason for refusal in the interests of fairness and have taken the second reason for refusal as a point of disagreement between the main parties.
3. I have also been made aware that the appellant sought to amend the proposed scheme during the Council's consideration of the planning application but, from the evidence before me, the appellant reverted back to the originally submitted plans. I have considered the appeal on the basis of the plans the Council determined the planning application on which, for ease of reference, is the scheme for two dwellings sited next to each other.

Main Issues

4. Having regard to all of the evidence before me, including the Council's Officer Report and Statement of Case, I consider the main issues are:
 - whether the proposal would preserve or enhance the character or appearance of the Trysull & Seisdon Conservation Area and the setting and significance of heritage assets; and
 - the effect of the proposal on the living conditions of the occupiers of neighbouring properties, with particular regard to privacy at The Old School House.

Reasons

Character and appearance

5. The appeal site is the host dwelling, Pound Piece, a detached bungalow, and its garden. It lies to the side and rear of The Old School House, a two-storey detached dwelling, albeit with the second storey provided partially within the roof space. The Old School House is locally listed.
6. Either side of the appeal site are other single storey dwellings. Around the appeal site the other housing is a mix of bungalows and two-storey houses. The village green, the new school, village hall and Woodford House Care Home are also near the appeal site. The layout of the houses in this part of the village of Trysull is mixed. Including the host dwelling there are other properties that do not follow a set building line. However, all of the properties have frontage to the roads and can be seen from the road.
7. The Village summary for Trysull, which is provided in an appendix to the South Staffordshire Design Guide 2018 (the Design Guide), states that the village is a compact settlement with a lower density than most rural settlements in the area. The village summary advises that new development is expected to reflect the existing village scale and density and that the existing low-density pattern should be respected.
8. The site lies within the Trysull & Seisdon Conservation Area (the Conservation Area). The Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended) provides, at section 72(1), that with respect to any buildings or other land, in a Conservation Area, special attention shall be paid to the desirability of preserving or enhancing the character, or appearance of that area.
9. An understanding of the importance of the Conservation Area is supported by the Trysull & Seisdon Conservation Area Management Plan, adopted November 2010 (the CAMP). This document sets out the overarching aim to maintain the urban character of the village centres and the rural character on the periphery. The CAMP sets out specific actions to manage the Conservation Area which include actions relating to new housing, siting, design, and materials, amongst other matters. The CAMP acknowledges that, due to the significant lack of spare land, any new development is likely to have an impact on the appearance and character of the conservation area.
10. The Conservation Area character appraisal (the CAA), which is included as the appendix to the CAMP, notes the historic development of the village and key characteristics of the Conservation Area. The CAA notes that the Conservation Area is split into two sections. The northern section, around the staggered crossroads, is more cohesive and strongly defined. The southern section, around the Green, is less cohesive. The appeal site lies within the southern section and the area immediately around the appeal site is an eclectic mix of architectural styles.
11. In so far as it is relevant to the appeal, I consider that the significance of the Conservation Area is mainly derived from the clustered nature of the village, the diversity of architectural styles, but relatively restricted range of materials, and the strong dominance of medium sized, detached, houses set in large gardens which, taken together, contribute positively to the character and

appearance of the Conservation Area as a whole. Currently the host dwelling does not have positive, or harmful, effect on the significance of the conservation area as, although it is a medium sized house in a large garden, the existing bungalow is not of any historic interest. Although demolition of the host dwelling would not harm the significance of the Conservation Area the contribution it currently makes is neutral.

12. The proposal is to replace the existing single bungalow with two detached dwellings that are one and a half storeys with rooms in the roofs served by dormer windows. The Council determined the planning application on the basis of the originally submitted plans which propose the two dwellings in line with each other.
13. The siting of the proposed dwellings, behind The Old School House and in line with each other would form a new building line and street scene in the form of a short cul-de-sac behind the existing dwelling. In that regard the proposed development would not respect the traditional building lines of the Conservation Area and would, therefore, be contrary to the proposed action at 3.5.5 of the CAMP which seeks to ensure that new housing would be sited to conform to traditional building lines and street patterns.
14. The proposed siting would also not respect the spaces around buildings or the plot patterns, building lines and street layout of the village as required by Policy EQ11 of the South Staffordshire Local Plan Core Strategy DPD, adopted 2012 (CS). Furthermore, the proposal would not comply with Policy EQ3 of the CS which requires development to be considered against the CAMP. The proposed layout of the development and the creation of a cul-de-sac, albeit short, would not reflect the layout and low density of the village contrary to the advice in the Design Guide.
15. I acknowledge that the existing bungalow is already partially behind The Old School House. However, the existing bungalow faces the road and is angled to follow the line of School Road, albeit set further back than the traditional building lines. In this regard the existing bungalow follows the settlement pattern whereas the proposal would be out of context with the surrounding area. The siting of the two dwellings as proposed would be harmful to the character and appearance of the Conservation Area.
16. The proposal would also increase the height of the development on the appeal site from the existing single storey bungalow to one and a half storeys. Although the existing bungalow is not important in the Conservation Area or visually prominent it is visible above the roadside hedge and from the driveway access. The other bungalows beyond The Old School House are also visible from the same public vantage point, albeit low lying.
17. I also accept that the existing side garden cannot currently be seen. However, the height of the proposed dwellings would result in the new dwellings being more visible from these vantage points than the existing bungalows and garden. Moreover, from my own observations, the proposed dwellings would be visible above the roof of the single storey part of The Old School House. The height of the proposed dwellings would be out of keeping with the height of the bungalows either side and would be more visually prominent than the existing single bungalow. The proposed dwellings would introduce an alien form of development, set behind other housing, as viewed from the village green and

surrounding area which would be detrimental to the character and appearance of the Conservation Area.

18. The demolition of the existing bungalow, which makes a neutral contribution to the Conservation Area, would not outweigh the harm I have identified. Moreover, although the design and materials proposed respect the local vernacular and would be appropriate for the Conservation Area this would not mitigate the harm from the height or layout of the development.
19. As a locally listed building The Old School House is also considered to be a heritage asset in accordance with the definition of heritage assets set out in Annex 2 of the National Planning Policy Framework (the Framework). Paragraph 209 of the Framework requires the effect of an application on the significance of a non-designated heritage asset to be taken into account. It also requires a balanced judgement to be had regarding the scale of any harm or loss and the significance of the heritage asset.
20. The Old School House is noted in the CAA as the school built in 1843 with the schoolmaster's house alongside. The school was then converted to a single dwelling following storm damage to it and the building of the new school on the opposite side of the road. As the old village school, the significance of the asset to the village is high.
21. The proposed siting would result in The Old School House becoming physically and visually separated from other buildings in this part of the village. This would leave this dwelling out of context with the surrounding built form. Furthermore, the height of the proposed dwellings, which I have already noted would be visible from public vantage points, would be visible in the setting of The Old School House and would draw the eye away from the non-designated heritage asset.
22. The development would, consequently, also harm the setting and significance of the non-designated heritage asset. The harm to the significance of the asset would be less than substantial but would, on balance, be of a scale that would outweigh the benefits of the proposal.
23. For the above reasons, I find that the proposal would fail to preserve or enhance the character or appearance of the Trysull and Seisdon Conservation Area. It, therefore, follows that the proposal would be contrary to Policy EQ3 and EQ11 of the CS which, taken together, seek to conserve and enhance the historic environment.
24. The proposal would also not align with paragraphs 206 and 209 of the Framework which aim for new development within Conservation Areas to enhance or better reveal their significance and preserve those elements of the setting that make a positive contribution.
25. The harm to the Conservation Area as a whole would be less than substantial within the meaning of paragraph 208 of the Framework. In accordance with the Framework, this harm should be weighed against the public benefits of the proposal.
26. The development would provide one additional dwelling with the associated social and economic benefits both during and post construction. It would also accord with the Framework aim to boost the supply of housing and support the rural economy. The site would be located so that occupants of the appeal

development would have access to the services and facilities of the village by foot or bicycle and therefore there would not be a dependence on the private vehicle for all journeys. Furthermore, the development would make efficient use of the site. However, as only one additional dwelling would be provided, I attach limited weight to the public benefits of the appeal proposal.

27. The Framework advises that any harm to the significance of a designated heritage asset should require clear and convincing justification and that great weight should be given to the asset's conservation, irrespective of the level of potential harm. The public benefits of the proposal are afforded limited weight and, therefore, would not outweigh the harm to the Conservation Area and its significance, which in accordance with the Framework, is required to be attributed great weight.

Living conditions of The Old School House

28. From the evidence before me the Council's concern relates solely to the effect of the proposed development on the living conditions of the occupants of The Old School House, specifically overlooking/loss of privacy to the window which serves the office/study room of that property. I visited The Old School House during my site visit and observed all of the windows facing towards the appeal site.
29. The first-floor windows in the two-storey part of The Old School House, which face the appeal site, serve landing windows and are both obscure glazed. Hallways and landings are not considered to be habitable rooms and the presence of the obscure glazing would also reduce the potential for overlooking.
30. The kitchen window, on the ground floor, would directly face both of the proposed dwellings and there is a gap in the hedge at this point, although the appellant has advised that this is to be filled in. Consequently, this window is already overlooked by the existing bungalow and its driveway. Furthermore, the window is obscure glazed and is not the only window serving the kitchen. The loss of privacy or light to this window would not be materially greater than as existing.
31. However, the window serving the office/study room in The Old School House currently faces towards the side garden of the existing property. It is not currently overlooked by the existing bungalow. There would not be any direct overlooking from the ground floor windows of the property on Plot 2 due to the existing boundary hedge. However, from the evidence before me, the position of the dwelling on Plot 2 would not achieve the 21 metres separation distance recommended within Appendix 6 of the CS.
32. The position of Plot 2, and the proposed first floor dormer windows which would serve habitable rooms, would result in overlooking of the neighbouring property. The development would not achieve a satisfactory standard of spacing around the dwellings and would result in harm to the living conditions of the occupants of the neighbouring dwelling.
33. Appendix 6 of the CS does allow for some flexibility of the space standards, including in conservation areas. However, this flexibility is provided to allow for developments that would respect the character of the existing area. As I find that the development would harm the character and appearance of the

Conservation Area there is no justification for reducing the recommended minimum separation distances.

34. For the above reasons, the development would harm the living conditions of the occupiers of neighbouring properties, with particular regard to privacy at The Old School House. The development would, therefore, be contrary to Policy EQ9 of the CS which, amongst other matters, requires development to take into account the amenity of any nearby residents, particularly with regard to privacy.

Conclusion

35. For the reasons given above the appeal should be dismissed.

K Townend

INSPECTOR