

Appeal Decision

Site visit made on 17 September 2024

by Samuel Watson BA (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 9 October 2024

Appeal Ref: APP/P3420/W/24/3342348

12 Highway Lane, Newcastle under Lyme, Staffordshire ST5 5AN

- 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 Phil Brenner against the decision of Newcastle-under-Lyme Borough Council.
 - The application Ref is 23/00681/FUL.
 - The development proposed is a two storey detached dwelling house to be constructed to Passivhaus standards.
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Decision

1. The appeal is allowed and planning permission is granted for a two storey detached dwelling house to be constructed to Passivhaus standards at 12 Highway Lane, Newcastle under Lyme, Staffordshire ST5 5AN in accordance with the terms of the application, Ref 23/00681/FUL, 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 drawings: Location Plan rev P01, Proposed Site Plan rev P01, Proposed Floor Plans rev P01, Proposed Elevations rev P01, and Proposed Elevations 2 rev P02.
 - 3) Prior to their installation, details of the proposed solar panels to be installed on the dwelling hereby permitted shall be submitted to and approved by the local planning authority. The development shall thereafter be carried out in accordance with the approved details and maintained for the lifetime of the development.
 - 4) The dwelling hereby permitted shall not be occupied until hard surfacing and boundary treatments have been provided in accordance with details first submitted to and approved in writing by the local planning authority.
 - 5) The dwelling hereby permitted shall not be occupied until the access arrangements, parking and turning areas have been provided in accordance with the approved plans. They shall thereafter be retained for the life of the development.

Preliminary Matters

2. The description in the header above has been taken from the appeal form. It takes the first portion of the description found in the planning application form but has removed superfluous information and matters related to the merits of the case.

Main Issue

3. The main issue is the effect of the proposal on the character and appearance of the surrounding area.

Reasons

4. The appeal site comprises the side garden serving number 12 Highway Lane which is a large, detached dwelling. Highway Lane is a narrow, no through road which heads out from Keele into the open countryside. The road is formed of two distinct characters; the residential dwellings extending away from the core of the village and, secondly, the agricultural fields around the dwellings and bounding the greater portion of the road.
5. The dwellings do not present a uniform or similar character and are significantly varied in their scale, form, and design. In particular, there is a mix of older more traditional properties and newer properties or modern extensions. This includes no 12 which has a very modern extension on to a traditional, older dwelling. There is also no uniformity in the plots of properties along this road with some narrow, or small, examples and some properties set significantly back from the road. Although smaller plots are more typical on Pump Bank, they are not confined solely to this road.
6. Mindful of the above, the front elevation would sit comfortably within the street scene. Whilst the rear elevation is very modern in form and appearance, it would only be viewed from a distance across fields. These views would be softened by intervening trees and hedgerows serving the fields and by the distance itself. Given that, and the generally varied nature of the rear of the properties along this road, I consider that it would not be an intrusive feature out of keeping with the other properties. I similarly find that the side elevations, and the transition between the front and rear elevations, would not be detrimental to the street scene or the wider surrounding area.
7. As noted above, the gaps between properties and their proximity to Highway Lane vary greatly. The proposed dwelling would be set back from the road by a parking area so that it would sit in line with the two neighbouring properties. Although it would sit closely to the neighbouring properties, and there is some dispute as to the separation distance, the proposal would still retain gaps to either side. During my site visit I noted a number of properties beyond the appeal site, away from Keele, that had comparably narrow spaces between them. Therefore, although the gaps either side of the proposed dwelling would be much reduced against the existing, they would be comparable to those elsewhere along Highway Lane.
8. I similarly find that the scale of the plot more generally was comparable with those along Highway Lane and that the subdivision of the appeal site would not unacceptably affect the grain or pattern of development along this road.

9. In light of the above, I conclude that the proposal would not unacceptably affect the character and appearance of the surrounding area as a result of its design, scale or plot size. The proposal would therefore comply with Policy CSP1 of the Newcastle-under-Lyme and Stoke-on-Trent Core Spatial Strategy 2006-2026 which, amongst other matters, requires developments to respect and contribute positively to and respect an area's distinctive identity. It would also comply with the guidance on design and the pattern of development set out within the Newcastle-under-Lyme and Stoke-on-Trent Urban Design Guidance, and the National Planning Policy Framework (the Framework), particularly under Paragraph 135.

Conditions

10. I have had regard to the conditions suggested by the Council and the advice on planning conditions set out by the Framework and the Planning Practice Guidance. In the interests of clarity and enforceability, I have made some changes to the wording.
11. For certainty, I have set out the timescale for the commencement of development. A condition is also necessary, for certainty and enforceability, requiring that the development is carried out in accordance with the approved plans.
12. In the interests of the character and appearance of the surrounding area, details of the proposed solar panels, boundary treatments and hardstanding would need to be submitted prior to them being provided. It would not, however, be necessary for details of the external materials and fenestration to be provided given the varied character and appearance of the surrounding area. To ensure highway safety a condition is necessary seeking the provision of the proposed access, parking and turning areas are provided.
13. The scale of the proposal is very small and as such any noise or disruption would be equally small and short-lived. Therefore, it would be overly onerous to include a condition restricting the hours of development works. Moreover, this condition would duplicate powers covered by other legislation.

Conclusion

14. There are no material considerations that indicate the appeal should be determined other than in accordance with the development plan. For the reasons given above, I therefore conclude that the appeal should be allowed.

Samuel Watson

INSPECTOR