



Appeal Decision

Site visit made on 8 October 2024

by L C Hughes BA (Hons) MTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 14th October 2024

Appeal Ref: APP/B3438/W/24/3345115

2 Breach Road, Brown Edge, Staffordshire ST6 8QG

- 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 Paul Climpson against the decision of Staffordshire Moorlands District Council.
 - The application Ref is SMD/2023/0506.
 - The development proposed is new two-bedroom detached bungalow.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are the effect of the proposed development on:
 - the character and appearance of the area;
 - the living conditions of future occupiers with regard to access to private external amenity space; and
 - the living conditions of the occupiers of 2 Breach Road (No 2) and 4 Breach Road (No 4) with regard to outlook.

Reasons

Character and appearance

3. The appeal site lies in a predominantly residential area, on a vacant area of land that was previously the front garden of No 2. The site is located in a visually prominent position at the junction of Breach Road and Leek Road. Breach Road has a distinctive layout, being set back and at a lower level than Leek Road, and is arranged in rows of terraced and semi-detached properties which front the highway across their garden areas, behind a tree-lined open plan green buffer and dry stone wall.
4. The housing styles in the surrounding area are comprised of a range of styles, types and periods. However, the neighbouring properties along Breach Road follow a generally linear pattern of development and have a distinct building line, being set back from the pavement behind front gardens and driveways. This gives a harmonious impression of cohesiveness and uniformity which contributes positively to the street scene.
5. The proposed bungalow's untypical positioning towards the front of the plot would lead to it having an uncharacteristically small space to its frontage. This,

along with its small amount of outdoor amenity space, would make it appear cramped and at variance with the general sense of openness of the estate. It would therefore not relate well to the established layout, and would have an awkward relationship with surrounding properties on Breach Road.

6. The proposed bungalow's positioning to the front of the plot would better relate to that of the adjacent properties along Leek Road. However, as a bungalow, its scale would not be in keeping with these properties. The proposed dwelling would therefore appear as incongruous and would unbalance the layout and rhythm of development to the detriment of the character and appearance of the area.
7. I conclude that the proposed development would harm the character and appearance of the area. As such, it would not comply with Policies SS1, H1 and DC1 of the Staffordshire Moorlands Local Plan (2020) (LP) which seek to ensure that development reinforces local distinctiveness, respects its surroundings and is of an appropriate scale and character. It would also conflict with guidance contained within the Staffordshire Moorlands Design Guide Supplementary Planning Document (2018) which highlights that development should be guided by the pattern, context and grain of development. Furthermore, it would not be in compliance with paragraph 135 the National Planning Policy Framework (the Framework) which highlights that developments should be sympathetic to local character and history, including the surrounding built environment and landscape setting.

Living conditions – future occupiers

8. The outdoor amenity space which would be provided for future occupiers of the proposed bungalow would largely be located at the side of the dwelling and the evidence before me indicates that this would measure approximately 20m². The Council's Space About Dwellings Supplementary Planning Guidance (SPG) (1996) highlights that for two-bedroom dwellings at least 65m² of private garden space is required. The outdoor amenity space for the proposed bungalow would fall well below this figure.
9. As such, it would not be of an appropriate size or sufficiently proportionate for a two-bedroomed dwelling and in my view, it would be of an insufficient usable size to comfortably allow for typical garden uses such as outdoor storage, dining outside or hanging washing.
10. Moreover, the SPG indicates that whilst private garden space need not be at the rear, it must be secluded from overlooking other than by immediate neighbours. Part of the proposed outdoor amenity space would be located near to the junction of Breach Road and Leek Road and could be overlooked from public vantage points. This area would not be secluded or private, and would lead to an unacceptable level of intrusion.
11. I accept that some apartment buildings have no private amenity outdoor space. However, this appeal relates to a bungalow, whereby it is likely that occupiers would reasonably expect to have a sufficient amount of outdoor amenity space. The lack of outdoor amenity space in other types of development does not override my concerns over the lack of appropriate private outdoor amenity space for the future occupiers of the proposed development.

12. My attention has been drawn to a development in the borough which was allowed on appeal and which would not provide outdoor amenity space.¹ I am mindful that consistency in the planning process is important and like cases should be decided in a like manner. Whilst it is inevitable for comparisons to be made, each will have its own site-specific circumstances and merits upon which it is considered. I note that in the appeal decision referenced, the scheme was for a modest, one-bedroomed property rather than a two-bedroomed bungalow, and as such I do not find it to be directly comparable.
13. I therefore conclude that the proposed development would harm the living conditions of future occupiers with regard to access to external private amenity space. As such the proposal would not accord with Policies H1 and DC1 of the LP insofar as they require development to provide satisfactory levels of amenity for future occupiers and protect residential amenity. It would not accord with guidance contained within the SPG which highlights that two-bedroomed properties should provide 65m² of private outdoor amenity space. Furthermore, it would not comply with paragraph 135 of the Framework which seeks to ensure that developments have a high standard of amenity for future users. The Council considered that it would also not accord with guidance contained within the Department for Communities and Local Government: Technical Housing Standards – Nationally Designed Space Standards (NDSS). However, as these standards relate to internal space, I do not consider that they are relevant to this issue.

Living conditions – neighbouring occupiers

14. The proposed bungalow would be located to the front of No 2 and No 4, in close proximity to their frontages. In particular, the proposal would be situated directly in front of the principal windows of No 2. The occupiers of No 2, when looking out of their windows, would face the northern elevation of the proposed bungalow, which the plans indicate would have one opaquely glazed bathroom window.
15. At present, the front elevations of No 2 and No 4 have an open outlook. The proposal would not have an adequate separation distance from No 2 and No 4, and despite being a bungalow, and having a fence to its boundary, it would be visually intrusive, dominating the outlook from these dwellings, and lead to a harmful sense of enclosure for the occupiers of No 2 and No 4. The expanse of wall would make the proposed new dwelling appear as overbearing and as such, would significantly harm the outlook of the occupiers of No 2 and No 4.
16. I again note the recent appeal decision¹ in which the Inspector did not consider the development to be overbearing. However, the site-specific circumstances were different in that instance. The appeal related to the conversion and upward extension of an existing building, which the Inspector considered would have a marginal increase in height, rather than the addition of a new property in front of existing dwellings. As such, I do not find the appeal directly comparable.
17. I conclude that the proposal would harm the living conditions of the occupiers of No 2 and No 4 with regard to outlook. As such it would not comply with Policies H1 and DC1 of the LP which seek to respect and protect the amenity of occupiers of existing dwellings. It would also not be in accordance with

¹ Appeal reference: APP/B3438/W/21/3277078

guidance contained within the SPG which seeks to protect residential amenity. Furthermore, it would not comply with paragraph 135 of the Framework which highlights that proposals should have a high standard of amenity for existing users.

Other Matters

18. The appellant has made amendments to the proposal from previously submitted schemes in order to address concerns. However, for the reasons given I consider that even with the amendments, the proposal would harm the character and appearance of the area and the living conditions of future and existing occupiers.
19. The appellant has highlighted their willingness to widen the footway on Leek Road to create a safer footpath, should the appeal be allowed. However, this benefit would not outweigh the harm that I have identified.
20. The appellants frustrations about the Council's communication regarding the proposal are noted. However, this has had no bearing on my determination of the appeal as I have only had regard to the planning merits of the case, on the basis of the evidence that is before me.

Planning Balance

21. I understand that the Council can currently demonstrate a 3.71 year supply of deliverable housing land. In this scenario, Paragraph 11 d) ii) of the Framework indicates that planning permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole.
22. The Government is seeking to significantly boost the supply of housing. The Framework also recognises that small sites can make an important contribution to the Council's housing supply. Although the proposed development is for just one dwelling, this would contribute positively to the Council's housing land supply.
23. The proposed development would provide social benefits in terms of a new dwelling in a sustainable and accessible location. The development would generate economic activity during the construction of the bungalow and provide a home to residents who would contribute to the local economy. The development would be near facilities and public transport links which may encourage future occupants to use sustainable modes of transport, thus benefitting the environment. There would therefore be economic, social and environmental benefits to the scheme. As the proposal is for only one dwelling, I give these benefits moderate weight.
24. However, I have found that the proposal would be harmful to the character and appearance of the area. This harm would be long lasting and would be contrary to the design aims of the Framework. The proposal would also harm the living conditions of future occupiers with regards to access to outdoor private amenity space and harm the living conditions of the occupiers of No 2 and No 4 with regard to outlook. I ascribe these matters substantial weight.
25. As such, and bringing matters together, the adverse impacts of granting planning permission would, in this particular case, significantly and

demonstrably outweigh the benefits when assessed against the policies in the Framework taken as a whole. The proposal does not, therefore, benefit from the presumption in favour of sustainable development outlined at Framework paragraph 11.

Conclusion

26. The proposal conflicts with the development plan and the material considerations do not indicate that the appeal should be decided other than in accordance with it.
27. For the reasons given above the appeal should be dismissed.

L C Hughes

INSPECTOR