



Appeal Decision

Site visit made on 17 January 2025

by **N McGurk BSc (Hons) MCD MBA MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 22 January 2025

Appeal Ref: APP/Y3425/D/24/3355692

363 Sandon Road, Meir Heath, Stoke-on-Trent, Staffordshire, ST3 7LJ

- 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 and Mrs Fagan against the decision of Stafford Borough Council.
 - The application Ref is 24/39502/HOU.
 - The development proposed is demolition of existing single storey rear garden building. Erection of single storey kitchen dining room extension to rear.
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Decision

1. The appeal is allowed and planning permission is granted for demolition of existing single storey rear garden building. Erection of single storey kitchen dining room extension to rear at 363 Sandon Road, Meir Heath, Stoke-on-Trent, Staffordshire, ST3 7LJ in accordance with the terms of the application, Ref 24/39502/HOU, and the plans submitted with it, 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 materials to be used in the construction of the external surfaces of the development hereby permitted shall match those used in the original building.

Procedural Matter

2. My attention has been brought to a permission¹ for a replacement dwelling at Number 361 Sandon Road. This appeal has been considered on the basis of the information before me and I note that, at the time of my site visit, the original No 361 was in situ.

Main Issue

3. The main issue in this case is the effect of the proposed development on the living conditions of the occupiers of Number 361 Sandon Road, with regards to outlook and daylight.

Reasons

4. The appeal property comprises a detached single storey dwelling with a small attached single storey garage with a flat roof. It has a single storey outbuilding with

¹ Reference: 24/39205/HOU.

- a pitched roof located alongside the shared rear boundary with Number 361 Sandon Road.
5. The appeal dwelling is set back from the road behind a hedge and a parking area and has a long garden to the rear. It is located in a residential area characterised by the presence of one and two-storey detached and semi-detached dwellings.
 6. The proposed development would comprise a single storey extension with a flat roof. It would effectively replace the outbuilding with a pitched roof as well as in-fill a small gap that exists between the garage and outbuilding.
 7. The proposal would be situated near to the shared boundary with No 361. The front of the appeal dwelling is angled slightly away from that of No 361, such that windows to the rear of No 361 face towards the outbuilding that it is proposed to demolish and which the proposed extension would, in part, replace.
 8. Consequently, the relationship between Nos 361 and 363 is such that the outlook to the rear of No 361 is, to some small degree, compromised by the presence of built development close to the shared rear boundary of the two dwellings.
 9. However, during my site visit, I observed there to be a tall fence along the rear boundary between Nos 361 and 363. The appeal property's garage and outbuilding, as well as part of the sloping roof of the appeal dwelling, all appear only a little higher than the fence and do not comprise visually intrusive features.
 10. Whilst the tallest parts of the proposed development would be visible above the rear boundary fence separating Nos 361 and 363, the proposal would only reach a height slightly above that of the existing garage and notably, it would be lower than the height of the outbuilding that it is proposed to demolish. Given this, I consider that the proposal would not result in so substantive a change as to result in any significant harm to the outlook to the rear of No 361.
 11. Furthermore, I find that the proposed development, with its low flat roof, would be so modest as to result in a negligible, if any, reduction in the amount of daylight reaching the rear of No 361. In the absence of any substantive evidence to the contrary, I find that no significant harm would arise in this regard.
 12. Altogether, I consider that the proposal has been thoughtfully conceived to provide attractive additional living space in a manner respectful to neighbouring occupiers.
 13. Taking all of the above into account, I find that the proposed development would not harm the living conditions of the occupiers of Number 361 Sandon Road, with regards to outlook and daylight and would not be contrary to the National Planning Policy Framework; to Policy N1 of The Plan for Stafford Borough (2014); or to the Council's Design Supplementary Planning Document (2018), which together amongst other things, seek to protect residential amenity.

Conditions

14. I have considered the conditions suggested by the Council against the tests set out in Paragraph 55 of the Framework. A condition controlling materials is necessary in the interest of local character.

Conclusion

15. For the reasons given above, the appeal is successful.

N McGurk

INSPECTOR