



Appeal Decision

Site visit made on 5 February 2025 by T Morris BA (Hons) MSc

Decision by Chris Forrett BSc (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 02 June 2025

Appeal Ref: APP/B3410/D/24/3357729

3 Wordsworth Close, Burton-on-Trent DE14 2RY

- 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 Sajid Hussain against the decision of East Staffordshire Borough Council.
 - The application reference is P/2023/01108.
 - The development proposed is described as 'raising of ridge height to facilitate loft conversion and erection of a two storey front and rear extension with balcony'.
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Decision

1. The appeal is dismissed.

Appeal Procedure

2. The site visit was undertaken by a representative of the Inspector whose recommendation is set out below and to which the Inspector has had regard before deciding the appeal.

Preliminary Matters

3. The description of development on the application form does not fully reflect the drawings on which the decision was made. For the purposes of the banner heading, I have therefore used the description of development given on the Council's decision notice as this is more accurate. It is also the description used by the appellant on their appeal form.
4. During the course of the consideration of the application by the Council, various alternative design options appear to have been explored, and these have been included within the appellants' statement. However, it is unclear as to the status of these alternative proposals, whether they were considered by the Council, or indeed any other interested parties. With that in mind, I must determine the appeal on the basis of the plans which the Council used to determine the application.
5. I am also aware of another development at the adjoining property, 4 Wordsworth Close, which is the subject of a separate planning appeal¹. Whilst I have considered this development on its individual merits, I have also considered the relationship between the respective developments.
6. The revised National Planning Policy Framework (the Framework) was published on 12 December 2024. I have considered the changes and as they are not material

¹ Reference APP/B3410/D/24/3357728

to the proposal, further comments were not sought by the parties. I have, however, determined the appeal having regard to the revised Framework.

Main Issues

7. The main issues are:

- i) the effect of the development on the character and appearance of the host building and the surrounding area,
- ii) the effect of the development on the living conditions of occupiers of 2 and 4 Wordsworth Close, with particular regard to outlook and light, and
- iii) whether the development would provide acceptable living conditions for future occupiers of the appeal property.

Reasons for the Recommendation

Character and appearance

8. The appeal site is located within a residential area which primarily features two-storey dwellings which are generally of a consistent design. The property itself is a semi-detached dwelling located towards the end of a cul-de-sac. It has a simple appearance including a pitched roof with concrete roof tiles, plain brick elevations, orderly window fenestration and a small canopy over the front door. These reoccurring design features are reflected within the other dwellings on Wordsworth Close which, together with their consistent building heights, gives the cul-de-sac a notable coherent appearance. That said, I am conscious that there are three storey buildings with a central gable roof feature near to the appeal site.
9. In my view the limited raising of the roof height, when considered in isolation, would not be harmful in the context of the streetscene and the wider area. However, the introduction of a forward projecting gable (taken either in isolation as a half-gable or in combination with the proposal at the adjoining property) would introduce an element in the streetscene which would be significantly out of character within Wordsworth Close and the surrounding area. This is particularly the case at first floor and roof level.
10. In addition to the above, the substantial depth and massing of the two-storey rear extension, would appear overly bulky and dominant when viewed from nearby residential gardens. It would also cumulatively amount to excessive and disproportionate additions to the host building overall and the wider area. Consequently, the scale of the proposal would be unacceptable.
11. Furthermore, the disorderly window fenestration and the large flat roof top section would detract from the pleasing consistency of the surroundings. These design features would be incongruous, and the use of matching materials would not overcome this harm.
12. The Council refer to Policy DP3 of the East Staffordshire Borough Council Local Plan (LP) (2015) in refusal reason 1. This policy is concerned with living conditions and is not directly related to matters of character and appearance. It is not therefore determinative on this main issue.
13. In summary, the proposal would have a detrimental effect on the character and appearance of the host building and the surrounding area. It would conflict with

Policies SP1, SP24 and DP1 of the LP, which require that developments integrate with the character of the townscape, respect local patterns of development and have regard to the massing of the development in terms of the shape, volume and arrangement of the building in relation to the context of the development. It would also conflict with the East Staffordshire Design Guide Supplementary Planning Document (DGSPD) (2008) and the overarching design aims of the Framework.

Living conditions - 2 and 4 Wordsworth Close

14. The rear elevation of 4 Wordsworth Close (No 4) features openings which are close to the side boundary fence with the appeal property. This includes a patio door which serves a reception room at the ground floor and a window which serves a single bedroom at first floor level.
15. Due to its substantial depth and massing, together with its siting along the side boundary to No 4, the two-storey rear extension would have an overbearing effect when experienced from the ground floor reception room patio doors, the first-floor bedroom window and the immediate garden area of No 4. In that regard, the proposal would have a significant and unacceptable effect on outlook for the occupiers of No 4.
16. Furthermore, due to the sheer scale and size of the rear extension, it would undoubtedly have some impact on sunlight and daylight to No 4, particularly during the morning and early afternoon. In the absence of any detailed assessment to demonstrate that the availability of sunlight and daylight would not be adversely affected, this only adds weight to the level of harm I have already identified.
17. Turning to the effect of the proposal on the occupiers of 2 Wordsworth Close (No 2), this dwelling is located broadly south of the appeal property with windows to habitable rooms on its rear elevation, including a kitchen.
18. Even though the proposed two-storey rear extension would be set in from the side boundary to No 2, given its substantial depth and massing, it would have an overbearing effect when experienced from the nearest ground floor window and the immediate garden area at No 2. In that regard, the proposal would also have an unacceptable effect on outlook for the occupiers of No 2.
19. I have also had regard to the intention that this appeal proposal and that at the neighbouring property would be developed concurrently should permission be granted for both schemes. In respect of the harm I have identified to the living conditions to the occupiers of No 4, developing the schemes together would ensure that no such harm would occur to No 4. However, no mechanism (such as a legal agreement) has been put forward by the appellant to achieve this and as such I cannot be sure that the harm to living conditions of No 4 would be obviated. Furthermore, such a mechanism would not overcome the harm I have identified to the occupiers of No 2.
20. Taking all of the above into account, the proposal would have a detrimental effect on the living conditions of occupiers of No 2 and No 4. It would conflict with Policies SP1, DP1 and DP3 of the LP, which require that developments are designed to protect the amenity of occupiers of residential properties nearby, would not have an unacceptably overbearing impact on adjacent dwellings and would not result in a material loss of light to principal windows or the private amenity space of adjacent dwellings. It would also conflict with the Separation Distances and Amenity

Supplementary Planning Document (2014), the DGSPD and the overarching aims of the Framework in terms of requiring a high standard of amenity for existing users.

Living conditions – appeal property

21. The proposal would result in a five-bedroom dwelling at the site. It would also provide shared spaces including two reception rooms, kitchen, prayer room, gaming room and bathrooms. A parking area would be provided to the front, and an external area would be retained to the rear of the dwelling.
22. The plans indicate a first-floor bedroom which would have a window facing towards the rear garden of No 2. Whilst the plans indicate that this window would be 'blurred' (which I take to mean obscurely glazed) to ensure that no overlooking would occur to the neighbouring property, the net result of this would be a habitable room which would have restricted light and outlook to the extent that it would not provide a suitable living environment for the occupier of that bedroom. Whilst measures could be incorporated to provide suitable ventilation or other sources of light, this would not obviate the harm of having a bedroom with an unacceptable outlook.
23. Notwithstanding the above, the proposed internal layout of the resultant dwelling would have several internal corridors linking its different sections. Such corridors are generally transient spaces whereby occupiers would typically pass through to the main living spaces where more time would be spent.
24. Whilst the internal layout appears somewhat complicated, there is nothing to suggest that each of the habitable rooms would not provide for suitable living conditions in their own right. To my mind, this is the most important factor. Therefore, multiple corridors and bedrooms on different levels would not result in unacceptable living conditions for the occupiers of the appeal property.
25. The Council refer to Policies DP1 and DP3 of the LP in refusal reason 3 of its decision. These policies are not directly related to living conditions of future occupiers and are not therefore determinative on this main issue.
26. In summary, the proposal would provide unacceptable living conditions for future occupiers of the appeal property. It would conflict with Policy SP1 of the LP, which requires that developments are designed to protect the amenity of future occupiers. It would also conflict with the DGSPD, and the overarching aims of the Framework in this respect.

Other Matters

27. I have had regard to the reasons why the appellant has applied for planning permission, including factors such as the need to increase the roof height for building regulation purposes, make best use of the space available and the need to increase the level of accommodation to cater for the needs of the appellant's elderly, disabled mother and to address growing family needs. Whilst these factors weigh in favour of the proposal they do not provide for a sufficient justification to allow for an otherwise unacceptable development.
28. The appellant also refers to a legal precedent case relating to East Staffordshire Borough Council. However, little detail of this has been provided. In any event, I

have considered whether the proposal meets the relevant policy criteria as well as its design responsiveness within this recommendation.

29. Finally, the appeal site is adjacent to the Trent and Mersey Canal Conservation Area (CA). Whilst I have identified harm to the overall character and appearance of the area, this would be isolated to the host building as well as its surroundings on Wordsworth Close rather than the CA. In summary, no harm to the significance of the CA would therefore arise as a result of the proposed development.

Conclusion and Recommendation

30. To conclude, whilst the proposed development would provide acceptable living conditions for future occupiers of the appeal property, it would also be harmful to the character and appearance of the host building and surrounding area and to the living conditions of the occupiers of No 4. For these reasons, I recommend that the appeal should be dismissed since it would conflict with the development plan and there are insufficient material planning considerations to suggest that a decision should be made other than in accordance with the development plan.

T Morris

APPEAL PLANNING OFFICER

Inspector's Decision

31. I have considered all the submitted evidence, and my representative's report, and on that basis the appeal is dismissed.

Chris Forrett

INSPECTOR