



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: 09 June 2025

Appeal Ref: APP/B3410/D/25/3358582

6 Kingsmead, Stretton, Staffordshire DE13 0FQ

- 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 Mrs F Kashmiri against the decision of East Staffordshire Borough Council.
 - The application Ref is P/2024/00767.
 - The development proposed is a two-storey rear extension, infill front porch extension and formation on new window openings.
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Decision

1. The appeal is allowed, and planning permission is granted for a two-storey rear extension, infill front porch extension and formation on new window openings at 6 Kingsmead, Stretton, Staffordshire DE13 0FQ, in accordance with the terms of the application, Ref P/2024/00767, subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than three years from the date of this decision.
 - 2) The development hereby permitted shall be carried out in accordance with drawing nos 2 (Proposed Elevations & Layout) and 3 (Location and Block Plans).
 - 3) The external materials of the development hereby permitted shall match those used in the existing dwelling.

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 Matter

3. The Council have not raised any concerns in respect of the two-storey rear extension and the infill front porch extension and I have no reason to disagree with their conclusions. My recommendation therefore focusses on the principal matters in dispute.

Main Issue

4. The main issue is the effect of the proposal on the living conditions of the occupiers of 14 Kingsmead, with particular regard to privacy and the proposed ground floor side facing window towards the rear of the lounge.

Reasons for the Recommendation

5. The appeal property is a two-storey detached dwelling situated within a residential area. It is within a modern housing development which features dwellings of similar scale and appearance. To the front of the dwelling is a grassed garden and an area of hardstanding. Beyond this, there is a canal which is part of the Trent and Mersey Canal Conservation Area. The adjoining property, 14 Kingsmead (No 14) is separated by a side access space between the dwellings which features a wooden panel fence running along the side boundary between the properties. No 14 contains a window facing the side boundary fence which serves a dining room.
6. Due to its position to the rear of the lounge, the side facing window at No 6 would not be directly opposite the side facing dining room window at No 14. Visibility between these windows would be largely indirect and would generally be more towards the internal walls rather than the main part of the rooms. Furthermore, although the side boundary fence between No 14 and No 6 would not extend to the top of the side facing windows, it would still limit visibility between the properties to the uppermost section of the windows only. Accordingly, although some minor overlooking between the dwellings may occur, this would be at a modest level due to the presence of the boundary fence and the indirect relationship between the side facing windows. The window would not therefore result in a significant loss of privacy for the occupiers of No 14 and vice versa.
7. I have also had regard to the representations made on the application in respect of the side windows generally and matters relating to light. Whilst the need for such side windows is a matter for the applicant, regardless of that, I am of the view that none of the side facing windows would cause an unacceptable loss of privacy, nor would the scale and extent of the overall proposal impact on matters of light.
8. The Council refer to Policy SP24 of the East Staffordshire Borough Council Local Plan (LP) (2015) in their decision. This policy is concerned with high quality design and is not directly related to the effect of the proposal on the living conditions of existing and future occupiers. It is not therefore determinative in this appeal.
9. Taking all of the above into account, the proposed ground floor side facing window towards the rear of the lounge at No 6 would not have an unacceptable effect on the living conditions of the occupiers of No 14. The proposal would comply with Policies SP1, DP1 and DP3 of the LP, which amongst other matters, require that developments are designed to protect the amenity of the occupiers of residential properties nearby and future occupiers of the development, including matters relating to privacy and overlooking between the principal windows of dwellings. It would also comply with the East Staffordshire Borough Council Design Guide Supplementary Planning Document (2008) and the overarching aims of the National Planning Policy Framework.

Other Matter

10. The appeal site is located adjacent to the Trent and Mersey Canal Conservation Area (CA). The proposed extensions would reflect the character and appearance of the host dwelling and would integrate well with the surrounding area, including the adjacent CA. I therefore agree with the Council that no harm would result to the significance of the CA as a result of the proposal.

Conditions

11. Other than the standard time limit condition, it is necessary to ensure that the development is carried out in accordance with the approved plans for the reason of certainty. In the interests of the character and appearance of the area, a condition relating to matching materials is also necessary.
12. The Council have suggested a condition relating to obscurely glazed and non-openable windows to the lounge and first floor bedroom window. However, neither window would provide for views which would result in a significant loss of privacy and as such a condition is not necessary.
13. The Canal and River Trust have requested a condition requiring the submission and approval of details regarding the protection of the structural integrity of the canal bank and the water quality of the Trent and Mersey Canal. However, due to the modest scale of the development, the amount of space to the front and side of the dwelling and that the majority of the construction works would be to the rear of the dwelling, I consider that such a condition is unnecessary.

Conclusion and Recommendation

14. For the reasons given above, I recommend that the appeal should be allowed since it would comply with the development plan.

T Morris

APPEAL PLANNING OFFICER

Inspector's Decision

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

Chris Forrett

INSPECTOR