
Appeal Decision

Site visit made on 9 September 2025

by Elaine Moulton BA (Hons) BPI MRTPI

an Inspector appointed by the Secretary of State

Decision date: 29 September 2025

Appeal Ref: APP/K3415/W/25/3363937

31 Oakhurst, Lichfield, Staffordshire WS14 9AL

- 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 K Moane of Four Oaks Construction Limited against the decision of Lichfield District Council.
 - The application Ref is 24/00949/FUL.
 - The development proposed is erection of a 3 bedroom dwelling.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The appellant has included an Arboricultural Survey Report and Method Statement (AMS) and Daylight and Sunlight Assessment (DSA) as appeal documents. While not before the Council at the time of its decision, parties have had the opportunity to comment on such reports during the appeal process. I therefore find that no injustice would be caused to any party by my taking this information into account in reaching my decision, and I have determined the appeal accordingly.

Main Issues

3. The main issues are:
 - The effect of the proposal on the character and appearance of the area, including its impact on a protected tree;
 - The effect of the proposal on highway safety, with particular regard to the adequacy of the access;
 - Whether appropriate living conditions would be maintained for the occupants of 31 Oakhurst (No 31), with particular regard to outlook and light; and
 - Whether appropriate living conditions would be provided for future occupiers of the proposal, with regard to outdoor garden space.

Reasons

Character and appearance

4. The appeal site is an undeveloped corner plot of land at the end of Oakhurst. It adjoins the side boundary of No 31, the rear boundaries of dwellings on

Cherry Orchard and the access to a short block of single storey garages (garage block) and is enclosed by a close boarded fence and hedge. The width of the appeal site considerably narrows towards the highway.

5. Oakhurst is a residential road mainly comprising two-storey, semi-detached dwellings of similar design. The dwellings are within plots of comparable width, set back from the road behind a consistent building line. Such factors create a pleasing rhythm to the streetscape. A Hawthorn tree, protected under a Tree Preservation Order, that is located on a small triangle of land that lies between the front of the site and the pavement, positively contributes to the character and appearance of the area.
6. A small residential development of detached dwellings, The Squirrels, extends from the end of Oakhurst near to the appeal site. Whilst the appearance of the dwellings within that development differs from those on Oakhurst, their two-storey height, regular spacing and position in relation to their shared drive, respects and reflects the existing street scape. The garage block is only glimpsed from the end of Oakhurst due to its location at the rear of the Squirrels.
7. The single storey design of the proposed dwelling and its position some distance to the rear of the building line would not be visually coherent with, or complimentary to, the street scene. Furthermore, the extremely narrow frontage, and the large proportion of the site that would be covered by building would result in a dwelling that appears unusually cramped within its plot. For these reasons, it would be at odds with the prevailing grain of development that form the context of the site and would appear as an intrusive and discordant addition to the street scene to its detriment.
8. I acknowledge that properties on Cherry Orchard that back onto the appeal site also have narrow frontages, and that the proposal would be a similar height to the adjoining garage block. However, these are not significant components of the streetscape within which the proposal would be viewed and, therefore, would not assist in its assimilation into its surroundings to the extent that it would reduce the harm that I have identified.
9. The AMS states that the proposed dwelling is sufficiently distant from the protected Hawthorn to avoid harm. It recommends that any hard surfacing of the driveway that lies within the root protection area of that tree must be constructed using a 'no-dig' method. The AMS goes on to conclude that, subject to the securing of a Tree Protection Plan and site monitoring, the proposal would have no direct arboricultural impact. Such findings are not disputed by the Council. Based on the evidence before me and given that suitable tree protection measures could, were I minded to allow the appeal, be secured by condition, I have no reason to disagree.
10. Accordingly, whilst the proposal would not result in harm to a protected tree, it would be harmful to the character and appearance of the area. As such it would conflict with Core Policy 3 and Policy BE1 of the Local Plan Strategy (LP), adopted 2015, which seek to ensure, amongst other things, that development proposals protect and enhance the character and distinctiveness of Lichfield District and carefully respects the character of the surrounding area. It would also be contrary to the design aims set out in the Lichfield District Design Code Supplementary Planning Document (DCSPD) and paragraph 135 of the National Planning Policy Framework (the Framework).

11. As I have found that the proposal would not unacceptably harm a protected tree, there would be no conflict with LP Policy NR4 or with the guidance set out in the Trees, Landscaping and Development Supplementary Planning Document.

Highway safety

12. The proposed driveway would be onto the narrow access to the garage block. It would accommodate two parked vehicles, which accords with the requirements of LP Policy ST2, but would not provide sufficient space for manoeuvring. This would lead to vehicles either reversing into, or out of, the site onto the garage block access.
13. The side boundary fence to No 31 would closely flank one side of the proposed driveway, between the site and the end of Oakhurst. This, combined with the protected hawthorn tree, would impede visibility. Consequently, any driver exiting from the proposed driveway would have limited forewarning of any vehicles entering the garage block. As such, drivers manoeuvring off the proposed driveway or those seeking to access the garage block would not be able to anticipate each other's movements and stop as appropriate.
14. I accept that reversing onto, and off, the public highway could be avoided, as such manoeuvres could be carried out on the private garage block site. Furthermore, it is reasonable to consider that limited vehicle movements are generated by the garage block, due to its small scale, and that such vehicles would be travelling at slow speeds. Nonetheless, the impediment to visibility for vehicles exiting the site is likely to result in conflict with those accessing the garage block, to the detriment of highway safety.
15. There is no compelling evidence before me that the residual cumulative impacts on the road network arising from the proposal would be severe. Nevertheless, it has not been demonstrated that a safe and suitable access to the site would be provided or that the proposal would not have an unacceptable impact on highway safety. Accordingly, the proposal would not accord with paragraphs 115 and 116 of the Framework.
16. I therefore conclude that the proposal would have an unacceptable effect on highway safety due to an unsafe access. The proposal conflicts with LP Policy ST1 which, amongst other things, seeks to ensure that traffic generating development takes account of access and egress to the public highway and highway safety.

Living conditions of the occupants of No 31

17. The Sustainable Design Supplementary Planning Document (SDSPD) states that external obstructions can affect the quality and quantity of light entering an adjacent property and that new development should not be of a size that results in an overbearing impact. The SDSPD states that the Council applies 45-degree guidelines to assess such impacts. The DCSPD also sets out 45-degree guidelines for assessing proposed extensions. Whilst the proposal before me is not an extension, such guidelines, nevertheless, provide a reasonable basis upon which to assess the proposed dwelling.
18. The plan provided at Appendix 3-1 of the appellant's Statement of Case includes a line drawn towards the appeal site at a 45-degree angle from the nearest ground floor window of No 31, in accordance with the approach set out in the DCSPD. The

plan does not, however, show the 45-degree line crossing the site boundary or where it would be in relation to the siting of the proposed dwelling. Nonetheless, given the distance that the proposed dwelling would project beyond the rear elevation of No 31, it is reasonable to conclude that, contrary to the appellant's opinion, it would lie within the 45-degree angle thus conflicting with the DCSPD. Furthermore, due to the height and position of the proposal, together with the extent that it would project beyond the rear elevation of No 31, by my judgement it would also breach both stages of the 45-degree guidelines when measured in accordance with the SDSPD.

19. Even if the 45-degree guidelines set out in both documents are met, it does not automatically follow that no harm to the living conditions of the occupiers of No 31 would arise. In this case, the height of the proposal combined with the extent of the projection from the rear of No 31, would result in it having a significant enclosing and dominating effect on the outlook from the ground floor rear windows of that dwelling, despite that it would be viewed at an oblique angle.
20. The DSA concludes that the development meets the guidance values set out in the BRE guide¹ and is therefore acceptable in terms of daylight and sunlight. I have not been presented with any alternative evidence which would lead me to disagree with such findings and conclude that the proposal is unacceptable in this regard. I thus find that it would not have an unacceptable impact on the living conditions of the occupiers of No 31 with regard to loss of light.
21. In conclusion, whilst the proposal would not result in an unacceptable loss of light, it would not maintain appropriate living conditions for the occupiers of No 31 due to its harmful effect on outlook. Consequently, it would be contrary to Core Policy 3 and Policy BE1 of the LP, which seek to ensure, amongst other things, that development protects the amenity of residents. It would also conflict with the similar aims of the SDSPD and the DCSPD.

Living conditions of future occupiers

22. A garden of 65 square metres would be provided, which would accord with the SDSPD guidance. This would provide sufficient outdoor amenity space for activities such as drying washing and children's play.
23. At 8.9 metres, the garden would not achieve the minimum 10 metre standard set out in the SDSPD. Nonetheless, as it would be west facing, it would receive sunlight during the afternoon and evening. In addition, there would be a substantial separation distance between the proposed garden and the rear facing windows of properties on Cherry Orchard, which would ensure that the degree of overlooking, and loss of privacy, would not be significant. As such and noting the circumstances where the SDSPD indicates that flexibility may be applied to the garden length standard, I find that sufficient and appropriate private amenity space would be provided.
24. Accordingly, appropriate living conditions would be provided for future occupiers of the proposal through the provision of an adequate garden. Consequently, there would be no conflict with Core Policy 3 and Policy BE1 of the LP, which require, amongst other things, that the quality of life of residents is ensured. It would also conflict with the similar aims of the SDSPD.

¹ Site Layout Planning for Daylight and Sunlight – a guide to good practice (2022)

Other Matters

25. Based on the evidence before me, the appeal site lies within the Zone of Influence of the Cannock Chase Special Area of Conservation which is vulnerable to recreational disturbance. However, notwithstanding the submitted unilateral undertaking which could secure mitigation against any adverse impacts on this habitat site, because the scheme is unacceptable for other reasons, there is no need for me to consider the implications of the proposal upon the protected site.
26. I am aware from another recent appeal that the Council has a 3.65-year supply of housing. Therefore, paragraph 11d) of the Framework applies. This states that planning permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits when considered against the policies of the Framework taken as a whole, having particular regard to key policies for directing development to sustainable locations, making effective use of land, securing well-designed places and providing affordable homes, individually or in combination.
27. I note the concerns expressed about the Council's handling of the planning application including whether it had worked with the appellant in a positive and proactive manner, and the intention to start action in respect of a high hedge at No 31. However, such matters are not relevant to my findings on the planning merits of the scheme and, therefore, fall outside of the remit of this decision.
28. I acknowledge the appellants reference to the High Court judgement² which confirms that if there is a breach of a particular policy there may still be overall compliance with the development plan. I have taken this judgement into account in reaching my conclusions above.

Planning Balance

29. The proposal would develop an underused site and would contribute to the Government's aim of boosting housing supply in a location that has good access to services and facilities. There would also be economic benefits through its construction and occupation. However, as the contribution would only be one dwelling, the proposal would not address the Council's under delivery and consequent housing shortfall in a meaningful way. Furthermore, the identified economic benefits would be limited due to the small scale of the development. Accordingly, such benefits carry moderate weight in the planning balance.
30. On the other hand, the adverse impacts I have identified in respect of the character and appearance of the area, highway safety and the living conditions of the occupiers of No 31 would be substantial and long lasting and would significantly and demonstrably outweigh the benefits in this case. As such the presumption in favour of sustainable development as set out in paragraph 11d)ii) of the Framework does not apply.

Conclusion

31. I have found that the proposal would provide suitable living conditions for its future occupiers. However, this does not outweigh the harm to the character and appearance of the area, the unacceptable effect on highway safety, and the harm to the living conditions of No 31 that I have identified. The proposal therefore

² *R v Rochdale Metropolitan Borough Council ex parte Milne* [2000] EWHC 650

conflicts with the development plan when considered as a whole and there are no material considerations, either individually or in combination, that outweigh the identified harm and associated development plan conflict.

32. I conclude that the appeal should be dismissed.

Elaine Moulton

INSPECTOR