



Appeal Decision

Site visit made on 16 September 2025

by **D Cleary MTCP MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 03 October 2025

Appeal Ref: APP/B3410/D/25/3368086

25 Duke Street, Burton-on-Trent DE14 1EA

- 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 M Sagheer against the decision of East Staffordshire Borough Council.
 - The application Ref is P/2024/01295.
 - The development is for the retention of an outbuilding at the rear garden.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. I have taken the description of development from the decision notice of the Council rather than that which is detailed in the application form. This is because it is more concise and removes wording which is not an act of development.
3. The development which is the subject of this appeal has been carried out and is substantially complete. Permission is therefore sought retrospectively. The scale and form of the development is generally consistent with the submitted plans, although there does appear to be some minor inconsistencies with the position of openings. I have therefore considered the appeal on the basis of the submitted plans and what I have seen on site.

Main Issues

4. The main issues are the effect of the development on:
 - a) the character and appearance of the existing building and the surrounding area;
 - b) the living conditions of the occupiers of No.24 Duke Street, with particular regard to overbearing; and,
 - c) the living conditions of existing or future occupiers of the appeal property, with particular regard to the provision of outdoor living space.

Reasons

Character and Appearance

5. The appeal property is a two-storey, mid-terraced dwelling. The dwelling is set within a narrow, linear plot and has a rear garden of some depth. The surrounding properties along this side of Duke Street have a similar consistent plot arrangement. Domestic outbuildings on Duke Street are generally small and appear

ancillary in scale and appearance. A flat roof building is located to the rear of No.95 Moor Street (No.95) which is constructed along the rear boundary of Nos.22-24 Duke Street.

6. The outbuilding is a single storey structure, with lean-to roof, positioned within the rear garden of the appeal property. The outbuilding is positioned on the boundary with No.24 Duke Street (No.24), and is set in marginally from the boundary with No.26 Duke Street. Consequently, it is developed across the majority of the width of the plot. The outbuilding is also of considerable length, occupying a sizeable proportion of the overall plot depth. These parameters of the outbuilding means that its footprint occupies a significant area of the rear garden.
7. Notwithstanding the large footprint of the building, there remains a reasonably generous separation from the rear elevation of the appeal property. This separation is sufficient to ensure that the outbuilding appears visually and functionally detached from the dwelling. Therefore, in this respect, I do not consider that the outbuilding visually dominates the existing dwelling.
8. However, the prevailing pattern of development along this part of Duke Street is one of narrow and linear plots. Any outbuildings within the gardens on Duke Street are generally small in scale and visually discrete. While single storey, the outbuilding has a height which projects significantly above the remaining boundary treatment. This height and considerable depth has a domineering presence along the boundary with No.24. Consequently, the overall scale of the outbuilding results in a development of considerable mass within the rear garden.
9. The outbuilding would be visible from surrounding dwellings on Duke Street, and their rear gardens. From here, the scale of the outbuilding results in a visually prominent and standalone structure which contrasts markedly with the more modest domestic boundaries and outbuildings. Therefore, the width, height and considerable length of the outbuilding is significantly at odds with the prevailing pattern of development of the area and appears out of context.
10. I agree that any views of the building from public vantage points are limited and that the development would not affect the street scene. However, this does not address the effect of the development from private spaces or justify a development which is significantly at odds with the grain of development in the area. Furthermore, I do not consider that matters regarding materials or roof design lessen the harmful effects of the development created by its undue scale.
11. I note the presence of the large outbuilding to the rear of No.95 which is visible from the appeal site and the immediate area. However, this, unlike the appeal development is positioned at the rear of the gardens, and does not appear to have been constructed within the garden of a narrow linear plot. Therefore, that development is contextually different and its presence does not alter my conclusions on this main issue.
12. I have found that the development does not have a harmful effect on the character and appearance of the existing dwelling. However, for the reasons given above, the development does have a harmful effect on the character and appearance of the surrounding area. Therefore, the development conflicts with Policies SP1, SP24, DP1 and DP3 of the East Staffordshire Borough Council Local Plan 2012-2031 (the LP). Together, amongst other things, these require development to be of high-

quality design, which reinforces local character, and include the requirement for outbuildings to be appropriately designed.

Living Conditions – Occupiers of No.24

13. As I have identified above, the length of the building is significant and occupies a considerable length of the shared boundary with No.24. The building has a side-to-side, lean-to roof with the highest part of the roof, and blockwork below, positioned adjacent to the garden of No.24.
14. The height of the building projects significantly above the existing boundary treatment (or any standard boundary treatment which could be erected). Consequently, the length and height of the building leads to a significant expanse of built form on the boundary with No.24 and dominates much of the garden space. The outbuilding is constructed on the boundary and defines the boundary line for its length. Therefore, there is no sense of separation or visual relief from the garden of No.24. The siting of the development immediately on the boundary with No.24 only exacerbates the prominence of the development. As such, I find that the development leads to an unacceptable level of overbearing on the garden of No.24.
15. I accept that the development may not lead to significant levels of overshadowing to external windows of No.24, or that part of the garden space which is closest to the dwelling. Furthermore, the nature of the development and its proximity from the rear façade of neighbouring properties means that adverse overlooking or loss of privacy would not arise. However, the lack of harm in these respects does not outweigh, or overcome, the significant overbearing impact of the development created by the scale and siting of the outbuilding.
16. With regard to the second main issue, the development has a harmful effect on the living conditions of the occupiers of No.24, with particular regard to overbearing. Therefore, the development conflicts with Policies SP1, SP24, DP1 and DP3 of the LP. These amongst other things, require development to be designed to protect the amenity of the occupiers of nearby properties by ensuring that development does not have an unacceptably overbearing impact on adjacent dwellings.

Living Conditions – Occupiers of the Appeal Site

17. The outbuilding occupies a large portion of the rear garden space of the appeal dwelling. The position of the outbuilding results in the garden area being split into two parcels. Access is provided to the rearmost parcel either through the building or via a narrow, yet accessible, undeveloped strip of land to its side.
18. There is disagreement between the parties with regard to how much outdoor living space is retained. The Council consider that the usable garden area would amount to 37sqm. This would fall below the standard of 60sqm as set out in the Separation Distances and Amenity SPD (the SPD). The appellant considers that the remaining garden space amounts to 57sqm.
19. The SPD, at 1.1, confirms that it sets out spacing standards for new residential developments. As this appeal relates to householder development, its content may not necessarily be directly applicable. Nonetheless, it remains a useful tool for informing expected spacing standards.

20. In this instance, a retained area to the rear of the dwelling is not constrained by the development and is useable. I am satisfied that this space provides sufficient area for expected day-to-day external domestic activities to be carried out. The land to the rear of the outbuilding is also accessible. This is of a width and depth which results in a size which can realistically be considered to be useable for external domestic purposes, and adds further to the provision. Together, the areas retained are not unreasonably small or constrained. Therefore, I consider that the retained provision of outdoor living space would be adequate for a dwelling of this scale and nature.
21. With regards to the third main issue, the development does not have a harmful effect on the living conditions of existing or future occupiers of the appeal property, with particular regard to the provision of outdoor living space. On this issue only, the development complies with Policies SP1, SP24, DP1 and DP3 of the LP. These amongst other things, require development to be designed to protect the amenity of future occupiers of a development. This includes the provision of appropriate layouts to deliver private spaces which allow for outdoor domestic activities to be undertaken.

Other Matters

22. I acknowledge that the development supports modern domestic needs and allows for flexible living. However, these benefits are largely private and do not outweigh the permanent harm to the character of the area or the living conditions of the occupiers of No.24 that I have identified.
23. I also note the comments raised by a third party with regard to privacy and design. These are matters which I have considered in the main issues above.

Conclusion

24. For the reasons given above the appeal should be dismissed.

D Cleary

INSPECTOR