



Appeal Decision

Site visit made on 20 January 2026

by **Samuel Watson BA (Hons) MSc MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 24 February 2026

Appeal Ref: APP/M3455/W/25/3375070

Land Adj. To 6 Sandwell Place, Lightwood, Stoke on Trent, ST3 7HW

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission under section 73 of the Town and Country Planning Act 1990 for the development of land without complying with conditions imposed on the approval of reserved matters or details pursuant to a previous planning permission.
 - The appeal is made by Mr Thahir Naseem against the decision of Stoke-on-Trent City Council.
 - The application Ref is 71938/VAR.
 - The application sought planning permission for the erection of one detached dwelling without complying with a condition attached to planning permission Ref 70851/FUL, dated 15 October 2024.
 - The condition in dispute is No 2 which states that: *The development hereby permitted shall be carried out in accordance with the following approved plans and documents:*
 - *Plan Entitled 'Site - Location and Block Plan. Drawing No: 001'. Dated March 2024. Received by the LPA on 18 March 2024.*
 - *Plan Entitled 'Site Block Plan A. Drawing No: 002.5'. Dated March 2024. Received by the LPA on 18 March 2024.*
 - *Plan Entitled 'Site Block Plan. Drawing No: 002.7'. Dated March 2024. Received by the LPA on 18 March 2024.*
 - *Plan Entitled 'Proposed Elevations. Drawing No: 004'. Dated March 2024. Received by the LPA on 18 March 2024.*
 - *Plan Entitled 'Proposed Street Elevations. Drawing No: 008'. Dated March 2024. Received by the LPA on 18 March 2024.*
 - *Plan Entitled 'Proposed Plans. Drawing No: 003'. Dated March 2024. Received by the LPA on 18 March 2024.*
 - *Plan Entitled 'Proposed Side Elevations. Drawing No: 006'. Dated March 2024. Received by the LPA on 18 March 2024.*
 - *Plan Entitled 'Proposed Side Elevations. Drawing No: 007'. Dated March 2024. Received by the LPA on 18 March 2024.*
 - *Plan Entitled 'Proposed Rear Elevations. Drawing No: 005'. Dated March 2024. Received by the LPA on 18 March 2024.*
 - *Document Entitled 'Tree Protection'. Dated 28 February 2024. Received by the LPA on 18 March 2024.*
 - *Document Entitled 'Arboricultural Impact Assessment, Method Statement, and Tree Protection'. Dated February 2024. Received by the LPA on 18 March 2024.*
 - The reason given for the condition is: *for the avoidance of doubt and in order to define the permission.*
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Decision

1. The appeal is allowed and planning permission is granted for the erection of one detached dwelling at land adjacent to 6 Sandwell Place, Lightwood, Stoke on Trent ST3 7HW in accordance with the application Ref 71938/VAR, without compliance with condition numbers 2 and 3 previously imposed on planning permission Ref 70851/FUL dated 15 October 2024 and subject to the conditions in the attached schedule.

Background and Main Issue

2. The appellant is seeking the variation of Condition 2 to allow for the alteration of the approved plans. Changes have been proposed to: the front and rear gable elements to increase their height; the fenestration on the front and rear elevations regarding their appearance, size and colour; and, to replace a window with patio doors. It is further proposed that the external materials suggested under the previous permission are clarified and confirmed.
3. Therefore, the main issue is the effect of varying Condition 2 on the character and appearance of the surrounding area.

Reasons

4. The appeal site comprises part of the former garden serving No 6 Sandwell Place. It is at the end of a row of development that wraps around from Star and Garter Road. To the other side of the appeal site is a green space and Sandwell Place rises up past the appeal site to this area. The dwellings in the surrounding area can be broadly characterised as being part of two distinct periods of development. Namely, the three pairs of semi-detached dwellings adjacent to the appeal site, and the more recent, estate that sits around Sandwell Place. Opposite the appeal site is a yet more contemporary building that does not necessarily reflect the appearance of the street scene. I understand this to be No 1 Sandwell Place. Although predominantly traditional, the surrounding area is characterised by its variety of styles.
5. I find that the design of the dwelling approved under the permitted scheme is largely sympathetic to, and reflects the appearance of, the surrounding street scene. In particular, I note front facing gables and bay projections elsewhere along Sandwell Place. Similarly, the fenestration is traditional in scale and proportion. To the rear is a modern styled flat-roof extension, but this is of a small scale that does not materially affect the character of the building as a whole.
6. I am mindful of the suggestions that the permission at No 1 was granted in error. Irrespective of the context behind the grant of permission, it is clear that this building is present and now contributes to the area's character and appearance. I have, therefore, been mindful of it in my considerations.
7. No 1 is a two-storey dwelling with, what appears to be, an additional floor within the roof. It is double fronted with two-storey bay windows to either side of a large flat roofed porch that serves as a balcony. Above the balcony is a large area of fenestration that extends beyond the eaves of the main roof and terminates in a gable feature. Although these features are predominantly present within the street scene, the way in which they have been presented here is unique to this building.
8. I find that the proposal before me has taken cues from No 1 and similarly seeks to reflect a modern interpretation of the traditional features found elsewhere within the street scene. This is particularly noticeable with the fenestration reaching up into the roof on the smaller front gable element and both rear gables. Although the resultant building would no longer follow the wider street scene so closely, it would still bear similarities and reflect the prevailing form of the surrounding properties and their scale. Moreover, the dwelling would provide a partner for No 1 Sandwell Place, softening the uniqueness of its appearance within the surrounding area.

9. I note the concerns raised regarding the overall height of the appeal building. However, while elements of the dwelling would be increased in height, the proposal does not increase the height of the dwelling overall which stems from the design of the originally permitted scheme. The proposed changes would not, therefore result in any harm in this regard.
10. In light of the above, the alterations to the plans agreed under permission 71938/VAR are not harmful to the character and appearance of the surrounding area. The alterations therefore comply with Policy CSP1 of the Newcastle-under-Lyme and Stoke-on-Trent Core Spatial Strategy 2006-2026 which seeks proposals to be well designed so as to respect the character, identity and context of its surroundings with regard, amongst other things, to scale and materials. The proposed changes also comply with guidance set out by Policy R3 of the Newcastle-under-Lyme and Stoke-on-Trent Urban Design Guidance Supplementary Planning Document. This guidance seeks for proposals to relate well to their surroundings, responding and enhancing them.

Conditions

11. I have had regard to the conditions attached to the original permission and those suggested by the Council as well as the advice on planning conditions set out by the National Planning Policy Framework and the Planning Practice Guidance. In the interest of clarity and enforceability I have made some changes to the wording.
12. For certainty, I have set out the timescale for the commencement of development. A condition is also necessary, for certainty and enforceability, requiring that the development is carried out in accordance with the approved plans.
13. A condition is required to ensure that a suitable landscaping scheme is provided in order to protect the character and appearance of the surrounding area. A further condition is necessary to ensure appropriate boundary treatments are provided for this purpose as well. It is also necessary, given the scale of the dwelling in relation to the site and surrounding properties, that some permitted development rights are removed.
14. In order to protect species on and around the site, I have attached a condition securing ecological mitigation measures. To prevent risk to health and the surrounding environment it is necessary that a site investigation is carried out and, if required, a remediation plan undertaken.
15. To ensure highway safety, a condition is required securing the provision of a driveway prior to the dwelling's first occupation. Also, in the interests of highway safety, as well as the living conditions of neighbouring occupiers and the safety of the surrounding environment more generally, a construction environmental management plan is required. To minimise the risk of surface water flooding and runoff associated with the site, details of appropriate drainage is necessary.
16. As materials have been shown on the submitted plans, I am content that the purposes of Condition 3 from the previous permission have been met and, as such this condition would not need to be reimposed. The abovementioned plans condition would be sufficient to ensure that the development is finished in these materials.

Conclusion

17. For the reasons given above, and having regard to the development plan as a whole along with all other relevant material considerations, I conclude that the appeal should be allowed subject to the conditions set out above.

Samuel Watson

INSPECTOR

SCHEDULE OF 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 the following approved plans and documents: Site-Location and Block Plan ref 001, Site Layout Plan ref 002.6, Visibility Splay. ref 002.7, Site Block Plan ref 002.7, Proposed Plans ref 003, Proposed Elevations ref 004, Proposed Rear Elevation ref 005, Proposed Side Elevations ref 006; and, Proposed Side Elevations ref 007.
3. No part of the development, hereby permitted, shall be occupied or used until a landscaping scheme, to include those details specified below, has been submitted to and approved in writing by the Local Planning Authority:
 - the treatment proposed for all ground surfaces, including hard areas;
 - full details of tree planting;
 - planting schedules, noting the species, sizes, numbers and densities of plants;
 - finished levels or contours;
 - any structures to be erected or constructed including boundary treatments;
 - functional services above and below ground; and
 - all existing trees, hedges and other landscape features, indicating clearly those to be removed.
4. The development hereby permitted shall be carried out in strict accordance with the ecological mitigation measures specified within the Plan Entitled 'Site Block Plan. Drawing No: 002.7'. Dated March 2024. Received by the LPA on 18 March 2024. These mitigation measures include the following:
 - The installation of one bat box
 - The installation of two bird boxes
 - The installation of three hedgehog highways
5. A Site Investigation shall be completed in accordance with the approved Georisk Management Limited Phase 1 Desk Study, Ref: 20257/1, November 2020 to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site. If contamination is found during the site investigation, a Remediation Strategy specifying the measures to be taken to remediate the site to render it suitable for its intended use shall be submitted to and approved in writing to the Development Control Department prior to commencement of the development.

Following completion of measures identified in the approved Remediation Strategy, a Verification Report that demonstrates the effectiveness of the remediation carried out must be produced prior to occupation, and is to the approval in writing by the Development Control Department.

If, during the course of development, any contamination is found which has not

been identified in the site investigation, additional measures for the remediation of this source of contamination shall be submitted to and approved in writing by the Development Control Department. The remediation of the site shall incorporate the approved additional measures.

6. No occupation of any dwelling shall take place until such time as the associated driveway for that dwelling has been surfaced in a bound material, in accordance with details previously approved in writing by the Local Planning Authority.
7. Prior to the commencement of any construction, including demolition, a Construction Environmental Management Plan (CEMP) shall be submitted to, and approved in writing by, the Local Planning Authority. The approved management plan shall include details relating to construction access, hours of construction, the location of the contractors compounds, cabins, material storage areas and contractors parking and a scheme for the management and suppression of dust from construction activities including the provision of a vehicle wheel wash. It shall also include a method of demolition and restoration of the site. All site operations shall then be undertaken strictly in accordance with the approved CEMP for the duration of the construction programme.
8. Prior to the occupation of the development hereby permitted, details of boundary treatments shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be implemented prior to occupation of these units and retained in perpetuity.
9. No development, excluding demolition, shall begin on site until such time as full details of the way in which surface water is to be disposed of from the site have been submitted to and approved in writing by the Local Planning Authority. The scheme shall make provision for the use of sustainable drainage techniques and surface water limitation where practicable. The development shall take place in accordance with the approved details only.
10. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking and/or re-enacting that Order) no extension or enlargement (including additions to roofs) or additional windows, shall be made to the dwellinghouse(s) hereby permitted, or any detached building erected, without the express permission in writing of the council.